lending powers and functions of the Reconstruction Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARTLETT:

H. R. 3917. A bill to amend section 5 (a) of the Farm Credit Act of August 19, 1937 (50 Stat. 703); to the Committee on Agriculture.

By Mr. COX:

H. R. 3918. A bill to amend section 201 of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS:

H. R. 3919. A bill to amend sections 812 and 861 of the Internal Revenue Code so as to allow the deduction of the amounts of bequests, legacies, devises, or transfers to or for the use of veterans' organizations in determining the net estates of decedents subject to Federal estate taxes; to the Committee on Ways and Means.

By Mr. GEARHART:

H. R. 3920. A bill to exclude certain vendors of newspapers from certain provisions of the Social Security Act and Internal Revenue Code; to the Committee on Ways and Means.

H. R. 3921. A bill to amend subsection (c) of section 3108 of the Internal Revenue Code (53 Stat. 359; 26 U. S. C. 3108 (c)) and the second paragraph of subsection (a) of section 3114 of the Internal Revenue Code (53 Stat. 360; 26 U. S. C. 3114 (a)); to the Committee on Ways and Means.

By Mr. KEATING:

H. R. 3922. A bill to provide for the admission of certain former members of the armed forces to practice law in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H. R. 3923. A bill to authorize retroactive payment of compensation or pension barred because of capture, internment, or isolation by the enemy during World War II; to the Committee on Veterans' Affairs.

By Mr. WOLVERTON:

H. R. 3924. A bill to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 3925. A bill to amend the Public Health Service Act to provide grants to postgraduate schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHENER (by request):

H. R. 3926. A bill to authorize the Attorney General to designate the location of the offices of United States marshals; to the Committee on the Judiciary.

H. R. 3927. A bill to amend the act of September 7, 1916, to authorize certain expenditures from the employees' compensation fund, and for other purposes; to the Committee on the Judiciary.

H. R. 3928. A bill to prescribe the measure of damages on account of trespass upon, unlawful use of, and unlawful enclosure of lands or resources owned or controlled by the United States; to the Committee on the Judiciary.

H. R. 3929. A bill to amend the act entitled "An act to provide additional protection for owners of patents of the United States, and for other purposes," approved June 25, 1910, as amended, so as to protect the United States in certain patent suits; to the Committee on the Judiciary.

By Mr. REEVES:

H. R. 3930. A bill to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, in relation to extensions made pursuant to wage earners' plans under chapter XIII of such act; to the Committee on the Judiciary.

By Mr. REES:

H. J. Res. 221. Joint resolution to provide for permanent rates of postage on mail matter of the first class, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H. Res. 251. Resolution to provide that Members of the House of Representatives and officers shall, for their convenience, be furnished with identification cards; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND:

H. R. 3931. A bill for the relief of James W. Keith; to the Committee on the Judiciary.

By Mr. JENKINS of Pennsylvania:

H. R. 3932. A bill for the relief of Elizabeth Bohm and Edith Bohm Staub; to the Committee on the Judiciary.

By Mr. ROHRBOUGH:

H. R. 3933. A bill for the relief of Rev. John C. Young; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

656. By Mr. CASE of South Dakota: Petition of Mary Seeley and 23 other signers, all members of Battle Mountain Auxiliary, No. 1, United Spanish War Veterans, Hot Springs, S. Dak., requesting favorable consideration of H. R. 969 and H. R. 2516, which propose an increase in pensions of Spanish-American War veterans; to the Committee on Rules.

657. By Mr. LYNCH: Petition of Paralyzed Veterans Association of Bronx County, Bronx, N. Y., opposing any cut in the appropriation requested by General Bradley, Administrator of Veterans' Affairs; to the Committee on Appropriations.

658. Also, petition of the Human Relations Commission of the Protestant Church of the City of New York, urging (1) passage of the antilynching bill; (2) H. R. 2768, to create an Evacuation Claims Commission to adjudge claims made by Japanese-Americans for losses incurred in the evacuation; and (3) H. R. 2933, to stay the deportation of persons excluded from naturalization because of race; to the Committee on the Judiciary.

659. By the SPEAKER: Petition of T. S. Kinney, Orlando, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

660. Also, petition of Mrs. B. F. Crane, Zephyrhills, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

661. Also, petition of Mrs. Albina Bibeau, St. Petersburg, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

662. Also, petition of Mrs. Martha Moffitt, Sanford, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

663. Also, petition of Mrs. Carrie L. McManus, Sarasota, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

MONDAY, JUNE 23, 1947

(Legislative day of Monday, April 21, 1947)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

We thank Thee, O Lord, that this land is still governed by the people's representatives. Let democratic processes be seen at their best in this time of testing. As these chosen men discharge their duties, guide them, O God, in the decisions they must make today. Give them the grace of humility, and shed now Thy guiding light into every mind. Break down every will that is stubborn against Thine or that has ignored Thee.

May what is done be so clearly right that it needs no incendiary justification. Soothe our still-smoldering hearts and minds with the spirit of forgiveness. Let us be swayed not by emotion or ambition but by calm conviction.

This we ask in Jesus' name. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 20, and Saturday, June 21, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On June 20, 1947:

S. 321. An act to amend section 17 of the Pay Readjustment Act of 1942 so as to increase the pay of cadets and midshipmen at the service academies, and for other purposes.

On June 21, 1947:

S. 26. An act to make criminally liable persons who negligently allow prisoners in their custody to escape;

S. 50. An act for the relief of Joseph Ochrimowski;

S. 125. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to extend the benefits of such act to the Official Reporters of Debates in the Senate and persons employed by them in connection with the performance of their duties as such reporters; and

S. 620. An act for the relief of Mrs. Ida Elma Franklin.

LABOR-MANAGEMENT RELATIONS—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the

public health, safety, or welfare, and for other purposes.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senate is under the limitation of voting at 3 o'clock p. m. on House bill 3020. Prior thereto the time is to be equally divided and to be under the control of the Senator from Ohio [Mr. TAFT] and the Senator from Florida [Mr. PEPPER].

Mr. TAFT. Mr. President, in the absence of the Senator from Florida, I suggest that we have a call for a quorum, the time required to develop a quorum to be divided equally between the two sides. May we have unanimous consent that that be done?

The PRESIDENT pro tempore. That is the universal practice. The clerk will call the roll, the time to be equally divided between the two sides.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Murray
Baldwin	Hawkes	Myers
Ball	Hayden	O'Conor
Barkley	Hickenlooper	O'Daniel
Brewster	Hill	O'Mahoney
Bricker	Hoey	Overton
Bridges	Holland	Pepper
Brooks	Ives	Reed
Buck	Jenner	Revercomb
Bushfield	Johnson, Colo.	Robertson, Va.
Butler	Johnston, S. C.	Robertson, Wyo.
Byrd	Kem	Russell
Cain	Kilgore	Saltonstall
Capehart	Knowland	Smith
Capper	Langer	Sparkman
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Taylor
Cordon	McCarthy	Thomas, Okla.
Donnell	McClellan	Thye
Downey	McFarland	Tobey
Dworshak	McGrath	Tydings
Eastland	McKellar	Umstead
Ecton	McMahon	Vandenberg
Ellender	Magnuson	Watkins
Ferguson	Malone	Wherry
Flanders	Martin	White
Fulbright	Maybank	Wiley
George	Millikin	Williams
Green	Moore	Wilson
Gurney	Morse	Young

Mr. LUCAS. The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate, having been appointed as a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from New York [Mr. WAGNER] is absent because of illness.

The PRESIDENT pro tempore. Ninety-three Senators having answered to their names, a quorum is present.

Mr. PEPPER. Mr. President, I yield 30 minutes to the Senator from Wyoming [Mr. O'MAHONEY].

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for 30 minutes.

LABOR BILL EXPANDS GOVERNMENT POWER

Mr. O'MAHONEY. Mr. President, I rise to speak in favor of sustaining the veto of the President of the United States of the pending so-called Taft-Hartley bill. I do this primarily on two grounds. The first of the grounds upon which I am now urging that the veto be sustained is that the bill, if it becomes a law, will set up a labor czar, with power and authority over the economy of the whole United States, greater by far than the power that was ever vested in any Government official under President Roosevelt or the New Deal.

The second ground upon which I urge this is that by the terms of the bill itself it becomes clear that the first action under the bill will be the institution of a violent intra-agency row between the newly established or expanded Labor Relations Board and the newly created independent general counsel of the Board. The bill ought to be called a bill to create a labor czar and promote discord.

Its first result will be to bring about a struggle for power within the agency between the Board itself and the general counsel; but the general counsel will win, because, by the language of the bill and the language of the conference report, he is to be an independent officer, appointed by the President, with the advice and the consent of the Senate; but he will be clothed—and I am quoting from the language of the proposed act—with "final authority on behalf of the Board in respect of the investigation of charges and the issuance of complaints." It is to me an amazing fact that the Republican majority of the Eightieth Congress, which we were told was elected to office upon the theory that there has been too much government in Washington, is by the bill setting up an office with more power over the life and death of American business, as I have already said, than was ever dreamed of by President Franklin D. Roosevelt and the New Deal.

No one will have the slightest idea of what the effect of the act will be until the general counsel has been appointed and confirmed, except that it is perfectly clear from the language of the bill itself that the general counsel and the Board will be locked in battle until one or the other wins.

Mr. President, if ever there was a job that should be well done by the Congress of the United States, this is it. We have not taken the time to do the job properly. We have had the advantage of the advice of a distinguished Member of this body, who is also a member of the majority, who served on the National Labor Relations Board, and who, speaking out of his experience, has told us that the bill is an administrative impossibility. We have not chosen to take the time that would be necessary to make the bill administratively feasible and to make it an agency for promoting labor-management peace, instead of an agency for promoting turbulent disputes within the agency and within American business.

All the weeks thus far devoted to the consideration of the problem have been weeks of jockeying for position. There have been those who have besought Congress to pass no labor legislation at all. They were not in the executive arm of the Government. They did not speak for the President. There have been those, however, Mr. President, who have been urging that Congress pass a punitive bill. The pending bill is a punitive bill.

SHALL CONGRESS ADJOURN OR LEGISLATE?

We are told now by the Senator from Ohio [Mr. TAFT], whose name is attached to the legislation—and I listened to the Senator in his radio broadcast last night—that unless this particular bill is passed over the President's veto, we shall have no labor legislation at all. To me that means only one thing: It means that the Republican leadership in Congress regards it as of greater importance that Congress shall adjourn by the 26th of July, than that it should take the time to write a law such as the country needs, such as I think perhaps the country believes it is getting in the pending legislation instead of this bill which is so obviously defective as to make a settlement of the labor issue impossible under its terms.

Mr. President, I want to undertake, by reading the bill itself and the report, to demonstrate the accuracy of what I say. I am talking to those Members of this body upon the Republican side who actually believe—and I know the most of them do—that we have had too much government in Washington, and that we ought to restore control of the economy of the Nation to the people who carry on the economy. I have heard the condemnation, emanating from Republican sources over many years, of the concentration of executive power, the concentration of Government power, over business and over the lives of the people. During the campaign of last fall, the cry of the Republican campaign managers to the people of the United States was, "Have you had enough?"—meaning clearly that if the Republicans were to be entrusted with the management of Government, they would see that the amount of Government regimentation and control would be reduced. I undertake to show by reading the bill that, far from reducing Government control, this measure extends it.

READ AND UNDERSTAND

Let me read, Mr. President, from page 5 of the conference report, section 3 (d) of the measure. I have often discovered in my experience as a Member of this body that Senators frequently take legislation of this kind on faith without reading it. When a committee charged with the responsibility makes a report, and says that the bill reported will do this or that, Members of the Senate, like all people of the country, are likely to assume that what is said is correct. So much authority is concentrated here and we have so much legislation to act upon that we cannot read every bill. I know that perhaps a substantial majority of the newspapers of the United States seem to feel that this bill should become law, but I am sure that few editors have read the measure. They are taking it on faith too. But I undertake to show, Mr. President, by a reading of the bill, that many editorial expressions which demand of Senators to vote to override the veto have, in all likelihood, been written without a knowledge of what the bill does.

Let us read the language:

SEC. 3 (d). There shall be a general counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years.

There, in words of one syllable, we are told that the general counsel of the Board will be appointed, not by the Board, but by the President of the United States, with the advice and consent of the Senate. He will be an independent

officer. He will not be subject to direction by the National Labor Relations Board with respect to his principal functions.

What are the powers to be given to this new official? These are the words of the measure itself:

The general counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices.

Can there be any misunderstanding of what that sentence means? It gives to this independent officer general supervision over all the lawyers, except trial examiners and the personal advisers of the members of the Board, and over all the employees in the regional offices of the Board. Can it be possible, Mr. President, that the sponsors of the bill, the members of the Senate Committee on Labor and Public Welfare, and the members of the conference committee, actually desired to set up an independent officer who should have control and supervision over the regional employees appointed by the Board? That is what the bill does. Someone may say, "Why, that would be unthinkable. The general counsel no doubt appoints these people." That would be a mistake, Mr. President.

In section 4 (a) we find this sentence:

The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties.

So the bill undertakes to authorize the Board to appoint attorneys and regional officers and other employees to help it to perform its duties—observe those words, its duties—and then it turns around and gives general supervision of those very employees selected by the Board to the independent officer, the general counsel. How can anyone imagine that such a bill could work successfully?

INTRA-AGENCY STRUGGLE FOR POWER

Let me read another sentence which demonstrates conclusively that a conflict would be bound to result if the veto is overridden. I am reading now from section 5:

The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States.

So here, Mr. President, we undertake to clothe this Board with the power to prosecute any inquiry anywhere in the United States, but at the same time we set up the independent officer, the general counsel of the Board, upon whom the Board must rely for advice, and we give him the independent power to control the employees in the regional offices throughout the United States, as well as to supervise all the work of the attorneys.

But one may say, "Surely that was not intended. Surely the situation will not develop in that manner." Ah, but, Mr. President, let us see what the conferees said they intended to do by this language. If anyone has the slightest doubt of what the language means, it is completely cleared up by what the conferees have said about it on page 37 in their own explanation of their purpose. It is their explanation, not mine.

The conference agreement does not make provision for an independent agency to exercise the investigating and prosecuting functions under the act—

That is what the Senate bill did, and the Senate conferees abandoned it—

but does provide that there shall be a general counsel of the Board, who is to be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years.

I wish Senators would pay heed to this language coming from the report of the conferees when they undertake to tell the Members of the Senate and the Members of the House and the people of the country just what they had in mind when they were writing this conference bill. Here is their language:

The general counsel is to have general supervision and direction of all attorneys employed by the Board (excluding the trial examiners and the legal assistants to the individual members of the Board), and of all the officers and employees in the Board's regional offices, and is to have the final authority to act in the name of, but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices, and in respect of the prosecution of such complaints before the Board.

No one can misunderstand that. The independent officer appointed by the President, with the advice and consent of the Senate, is authorized by the bill before us, as clearly stated in the conference report, to act for the Board, "but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices."

Can anyone wonder that I call the general counsel a labor czar? He acts for the Board, but independently of it, independent, as the conferees put it, "of any direction, control, or review." Make no mistake about it, Mr. Businessman, he will be telling us, not asking us, just as he will be telling the Board.

We will not know how he will use this power until he has been nominated and confirmed. When that takes place he will read the law. He will understand what Congress has said about his independence and it is inevitable that he will not surrender to the Board. Human nature, being what it is, he will take and exercise the power Congress is giving him. The Board will resist him, no doubt, but the Board will lose. Who knows what his point of view is going to be? Who can find the standards in this bill that will guide his imperious discretion?

CONCENTRATION FURTHER CONCENTRATED

I have said that the bill creates the most tremendous centralization of power over American business that was ever suggested in the United States. It takes only 3 or 4 minutes contemplation of the language which I have read, and of other language in the bill, to show that that is absolutely true.

It might be said in defense of the provisions which I have just read that the purpose in making the general counsel independent of the National Labor Relations Board was to make him a prosecutor, and make the Board a court to hear the cases. It might be argued that the purpose was to make the National Labor Relations Board a sort of court to deal impartially, and as a matter of first impression, with the cases which were to be worked up by the independent officer.

I have two criticisms of that argument. The first, of course, is that inasmuch as the general counsel is the legal adviser of the Board, the two functions have not been separated. There was a complete separation in the Senate bill, but now the two functions are joined, and the legal adviser of the Board is made independent of the Board.

But let us assume that that were not the fact. Let us disregard that criticism for a moment, and consider the other. It will be borne in mind that the bill creates a board and, by the language which I have just read, gives it the power to hold hearings and pursue inquiries anywhere in the United States; it makes no difference where. The bill gives the Board the power to delegate its authority. How many criticisms have we heard about the delegation of authority by executive function? It is worth while to place the language to which I refer in the RECORD at this point. I read from section 3 (b):

(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

Observe that the Board is given complete and plenary power to delegate any or all of its power to any group of three; and then any two members of that group of three can speak for the Board. So we have a bill—and I invite the attention of lawyers in this body to this—which not only authorizes the Board to delegate its powers, but authorizes the Board to delegate its powers, and all of them, to less than a quorum of the Board. This we do in the name of reducing government in Washington. This we do in the name of returning control of the economic life of the people of the United States to the people of the United States; and we undertake a program of delegated powers which, so far as I know, has never been suggested before in the history of this Government.

I was speaking of the description which has been given by some of its supporters to this measure, or which might be given, as a bill intended to authorize the National Labor Relations Board to sit as a court and to hear cases.

On the Supreme Court of the United States we have nine justices. But before they are called upon to pass upon the controversies which arise in the administration of the laws of this Nation, the cases are all tried, as matters of first impression, by courts in the various districts, by courts of appeal, or by courts especially established for particular purposes. Under the structure of the judiciary system of the United States we preserve local and regional independence. We guarantee to the people the opportunity to have their disputes settled where they live. Do we do that in this case?

Mr. President, I stood upon this floor in 1937 and criticized the so-called court-packing bill because it would have authorized the appointment of traveling judges who would go out of Washington to all parts of the United States and pass upon the litigation of the people of the United States. Now the great Republican Party undertakes to create for our all-important labor-management economy a traveling judiciary system which will go all over the United States, with power to inquire into the economic labor-management controversies of the people and bring them back here to Washington for decision. They cannot be decided by the people or for the people in any local tribunal. They can be determined only by the central body in Washington.

Can anyone wonder, Mr. President, that I undertake to say that the bill goes further than any bill ever proposed—not to say any bill ever passed—toward the creation of arbitrary central Government power in Washington? It comes from the spokesmen of the Republican Party. All their denunciation of arbitrary central Government power will be of no more consequence than a breath of air if they support this bill. Let no Member of the majority ever again open his mouth in denunciation of arbitrary Government power over the lives of the people if he votes to override this veto.

He will have acted, as the clear language of this measure says, to give a single officer almost complete power over the economic life of the United States.

This, Mr. President, is just another step on the road toward centralization which we have been following for lo these many years. Why cannot Senators and Members of Congress take off the blinders and read the bill?

The PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

Mr. PEPPER. Mr. President, I yield three additional minutes to the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for three additional minutes.

Mr. O'MAHONEY. Mr. President, I say, let Senators read the bill, and they will have no doubt in their minds that here we are taking another long stride in the trend of arbitrary power in Washington, in the destruction of the power of the people to run their own economy. Congress should act to protect and strengthen the power of the people, instead of increasing the power of Government, as this bill does. We ought to sustain the veto and then, if necessary, remain in Washington throughout the remainder of the summer to write a bill which will be——

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. O'MAHONEY. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator if it is not true that a majority of all the Democrats in both Houses of Congress have voted for this bill? When he talks about party responsibility——

Mr. O'MAHONEY. Mr. President, that is no argument. The leadership is the leadership of the Republican Party. I grant that some of my Democratic colleagues have been almost as blind as the gentlemen on the other side of the aisle have been.

Mr. HICKENLOOPER. Mr. President, if the Senator will yield further, I will again suggest that a majority of all the Democrats in the Congress of the United States have voted in favor of this bill.

Mr. O'MAHONEY. There is one thing I can say, and that is that a majority of the Democrats in the Senate have not yet been lured away by the blind leadership which is coming from the other side—doing the very thing they say should not be done.

EXPENDITURES IN CONNECTION WITH ELECTIONS

O Mr. President, let me take sufficient time to analyze another provision of the bill which has been completely misunderstood and misrepresented by the spokesmen for the bill. I was upon the floor of the Senate when the distinguished senior Senator from Ohio [Mr. TAFT] told this body that the conferees had written into this bill a provision which would prevent labor organizations from spending the money of their unions to affect in any way a presidential election. I read the provision, and when I read it I was amazed to find that there was not a word in it to support the interpretation given by the Senator from Ohio that this bill would prevent labor unions from publishing newspapers with their funds raised by dues but permit them to express political opinions in papers financed by subscriptions.

The PRESIDENT pro tempore. The Senator's time has again expired.

Mr. PEPPER. Mr. President, I yield to the Senator from Wyoming three more minutes.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for an additional 3 minutes.

Mr. O'MAHONEY. He said, in response to the Senator from Florida [Mr. PEPPER], that the purpose of the bill was to permit labor unions to print newspapers if they did it by subscriptions. Let us see what is done. I will read from section 304 in regard to restriction on political contributions and expenditures. This is an amendment of section 313 of the Corrupt Practices Act:

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure—

That is the new word used—

in connection with any election to any political office—

Observe that the language is "in connection with," not "to affect" any election—

or in connection with any primary election or political convention or caucus held to select candidates for any political office, or—

Observe this language—

or for any corporation whatever, or any labor organization to make a contribution or expenditure—

That is the new word "expenditure"—

in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for.

Observe these words, "any corporation whatever or any labor organization to make a contribution or expenditure in connection with" such an election.

Mr. President, if a labor organization is prohibited from making an expenditure in connection with a Presidential election or any other election, then by this language "any corporation whatever" is also prohibited from doing so. Corporations and labor organizations are treated precisely the same. The section is not a prohibition against expenditures to "affect or influence" an election but "in connection with" an election.

I said to the Chicago Tribune representative a week ago Saturday when he called me up, and I say to the Associated Press, the United Press, and the editor of every newspaper in the United States that is published by a corporation, that if this measure provides what the Senator from Ohio says it does, then not only are labor organizations prohibited from making expenditures "in connection" with an election but so also are any corporation newspapers. An expenditure which is made to send a correspondent to Philadelphia to report the next Republican Convention is an expenditure "in connection with" the next election and is prohibited.

Editors who want to override the veto may comfort themselves that the bill will not be enforced. But I say to them and to you that this is an example of the careless manner in which this bill has been drawn. It is only one of many mistakes. The bill should be rewritten.

This is a time for patience, industry, and tolerance. Let us sustain the veto and write a good bill.

Mr. PEPPER. Mr. President, I yield 15 minutes to the Senator from Nevada [Mr. MALONE].

The PRESIDENT pro tempore. The Senator from Nevada is recognized for 15 minutes.

Mr. MALONE. Mr. President, I had not intended to debate this question further; but so many fine people in my State and in the Nation are so confused and bewildered by the multiplicity of Government controls and conflicting interpretations of the proposed remedies, that they assume it is necessary to line up violently prolabor or promanagement.

This labor bill has become an intensely emotional issue. Prejudice and feeling apparently have taken the place of reason and logic. There are some among us who seem to think all that is desired in the way of improving conditions must be done by legislation, which may never be effective until great sums have been spent on litigation.

Mr. President, we appear to be continuing the policy of trying to save the country by dangerously stirring up class hatreds. We may be on the road to dissensions that form the wedge to cleavages that will lead to profound changes, at a perilous time, when unity is the most urgent need in sustaining our democracy. We confidently set up laws and regulations that divide men and women representing the workers and management into groups and classes, and which practically forbid the normal social relationships, and which are expected to bring worker-management peace.

I am therefore constrained to make my position crystal clear. I am not prolabor or promanagement. I am pro-United States.

Mr. President, it is time we correlate some of the trends which in themselves may be relatively innocuous, but which in their entirety are extremely dangerous, and which would lead the people of this country into a situation which they would not knowingly create by their votes at the polls.

This fateful procedure, step by step, each apparently simple and logical, may lead to that final plunge, which as this body will recall, in the progress of events took us into two world wars, and left the Congress, in each case, no alternative but to declare war, because when the question finally reached Congress it found we were already in the fight.

All this, we were shocked to find, boiled up out of the mess of catch words and slogans—historic phrases such as "make the world safe for democracy," "the four freedoms," "reciprocal trade," "the forgotten man," "economic royalists," "we owe it to ourselves," "we cannot be prosperous in a starving world," and dozens of other pithy expressions which inflamed the minds of men in those times of extreme nervous stress and strain.

Mr. President, I wonder if the American people will ever wake up and realize that some nation had better stay prosperous in a world that has had starving people through 5,000 years of recorded history, that this dream of reciprocal trade as now advocated in our world of plenty will prove to be just one more method of dividing our substance with the nations of low-wage living standards by importing the products made by their low-paid people, instead of helping them to help themselves? Will we ever realize that huge loans and gifts to foreign nations, made without hope of repayment, and without a definite international policy geared to our domestic economy, mean lower wages for Americans? Will we ever understand that the pouring out of such floods of our substance—whether released by the direct action of congressional appropriations, or by treaty commitments that force us to pay indirect reparations through one foreign nation to another, or by the funds which come through the Import-Export Bank or through the securities sold to the American public by the World Bank, and loaned in the same manner, or by means of trade treaties which stifle our own production by importation of the merchandise and commodities of the low-wage nations of the world—is all part of the manipulation directed to the same goal of lowering the standard of living of the American people?

Mr. President, will we ever realize that all this has been advocated by the administration for the past 15 years and that it is all part of a well-laid plan to enslave this Nation under a gigantic socialistic system or something worse, and that the weird system of administering labor legislation has been a part of this plan? Bear in mind it is this same administration, now raising the cry of communism, which officially recognized Russia a few months after coming into power in 1933, without providing safeguards of any kind whatsoever. It is this same administration that has produced some of the strangest administrative rulings and some of the most weird Supreme Court decisions in cases between labor and management that have ever occurred in the history of this Nation.

These are the reasons why I ran for the Senate of the United States in the first place. I did not win the first time. I won in the third round. The New Deal defeated me twice, with the help of a bipartisan coalition in 1934 and 1944. I am allergic to bipartisan combinations.

Mr. President, the solution, then, does not lie in superimposing another layer of complicated Federal laws and machinery on top of an act which itself, for the most part, should be repealed. The solution lies in the defeat of the administration in 1948, so that the Government may assume, in relation to worker-management disagreement, the role of making the rules and fairly administering them.

My reason for supporting the veto is not that I care to support an administration which, in my judgment, has reached the point of extreme incompetence through the creation of the greatest maze of bureaus, boards, commissions, and trick organizations ever assembled in any government, but because we have not found the answer in retaining the already top-heavy Wagner Act and by attempting to repair it through an act almost as lengthy, and which in one particular provision unduly weakens the workers' bargaining unit, as I have previously stated on this floor.

Mr. President, I believe in less Government meddling, not more, as applied to worker-management relations and all other Government functions in this Nation. It is time we stopped the labor-management pendulum from swinging back and forth and determine where that old dong ought to hang.

As I have repeatedly stated, I will vote to regulate both the workers' bargaining unit, and management, but I will not vote to break or unduly weaken either one.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Washington.

Mr. CAIN. Mr. President, the junior Senator from Washington comes from a magnificent and sovereign State which is probably as highly organized in a labor sense as any State in our Nation. I have therefore been exposed to what is known as pressure of an unusual character and intensity. Few Senators in this Chamber have been given greater encouragement to vote to sustain the President's veto. Few Senators have been so threatened with political reprisals as has the junior Senator from Washington.

I have studied the legislation; I have listened to and read the endless words uttered before the committee hearings and on this floor; I have talked to as many labor leaders as time made possible; I have analyzed, as best I could, the President's veto message; I have welcomed the telegrams and letters and telephone calls, by what seem the thousands, which have come to me in recent weeks, on both sides of the subject, from the citizens of every walk of life in my own home State.

Mr. President, a man's opinion is no better than the information on which it is based. On the basis of a flood-tide of information on the subject of the labor bill before us, which I have worked and labored so hard to understand, I shall, without apology, but with hope for better human and industrial relationships in the future, vote to override the President's veto.

Mr. President, I have three basic reasons for my decision.

First, I am completely convinced that no thinking person, no intelligent person, and no real American in our land believes that a maintenance of the status quo is good for America. The President of the United States has urged, has he not, that our labor laws be changed. Without exception, every member of the Senate Labor and Public Welfare Committee recommended changes in the prevailing legislation. During the course of our recent filibuster, no single opponent of the proposed labor legislation failed to agree that changes were in order. To vote against the conference report is to encourage industrial relations in this country to stand still. I cannot vote to retard progress.

Second, I am completely convinced and satisfied that the substance of the conference labor bill retains the right to strike, while at the same time it helps to enforce the right of a man or woman to work. Americans generally, including tens of thousands of union members, have registered in scores of ways their opposition to the senselessness and utter waste of secondary boycotts, for example, and jurisdictional strikes. The average American knows and is willing to say that the right of free speech belongs to everyone regardless of the class or group of which he is a part. Provisions to rectify past abuses in these fields are included in the conference report. I do not presume to know abolutely that the corrective provisions will cure the evils. No

man can be certain now that the legislation is the best legislation which can ultimately be written. What we do know is that reasonable and fair-minded Americans have done their best to correct the faults which have surrounded us in recent years. The conference bill, Mr. President, has sought to attain its single objective of keeping the wheels of industry in full production for the good of this Nation and of the world. I shall vote again for the conference report because its intention is good and fair and democratic.

Third, I shall vote for the conference report because its designers and the entire Congress know that the intended labor legislation is not an end in itself. There is nothing sacred in the instrument before us. I should vote to oppose the measure if I thought that its provisions were not to be subject to change. A joint congressional committee is charged with seeing that a performance of the provisions of the bill lives up to the bill's intentions and high promise. This can only be accomplished, Mr. President, by revision and change and modification and enforcement. There may, indeed, be included provisions and demands which will not work. If they do not work they must be changed so that they will work. If the bill is worth anything—and I think it is worth a very great deal—it is because this Congress, which represents the mass of America, will insist that the legislation changes form and character and direction in keeping with the demands of the difficult days which lie before us all.

The PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. CAIN. I should like to have an additional half minute, I say to the Senator from Ohio.

Mr. TAFT. I yield to the Senator whatever part of 5 minutes the Senator may require.

Mr. CAIN. I thank the Senator.

Mr. President, as an American citizen and as a Senator in the Senate of these United States, I am privileged to vote for an instrument which is free from cynicism and futility and despair. This instrument says to America and to the world that we shall keep on trying until we find industrial peace and security at home. If the instrument fails to accomplish its high objectives, the very same men who wrote it, and supported it, and those far more able men who follow us all, will try and try again until men can work without fear of oppression or restraint from the abusers of privilege, be they of labor or of management.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from New Jersey [Mr. HAWKES].

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 10 minutes.

Mr. HAWKES. Mr. President, the question before us today is not whether we should support one man, but whether we should vote our best judgment in the interest of millions of working men and women, and the Nation.

The welfare of all the people in the United States is so much more important than our interest in or feeling for any one man or group of individuals that our duty demands that our action shall be in the interest of the body politic and economic.

No one claims that H. R. 3020 is a perfect bill, because it would be absolutely impossible for any set of human beings to enact a law governing the human relationships between employer and employee, which, as we go along, will need no amendments or changes.

Since the beginning of time we have been endeavoring to find a way to improve the human relationship which, in the old days, was the relationship of master and servant, but which today, after hundreds of years of effort and the invoking of Christian principles, has become the relationship of employer and employee.

All any laws that we or any other representatives of the people enact can ever be, under a system of freemen, are rules of the game of human relationship.

The Government should be a fair referee, to see that the rules of the game are properly administered and complied with. To succeed, the Government must apply the rules in a nonpartisan manner, ever watchful of the necessity for change in the rules of the game so as to correct unfairness and injustice.

Unless I misunderstand the people of this Nation, they do not want monopoly in the hands of any individual or group of individuals in the United States, whether serving as leaders in business and industry, or leaders in labor unions.

No sane or understanding American citizen or representative of the people would pursue a course, in or out of Congress, that would injure or destroy the legitimate rights of the working people of this Nation. If he did, he would injure himself and all other good Americans.

The essence of Americanism is to establish fair rules of conduct and human relationship, so as to keep the door of opportunity open for the poorest man in our country who complies with the established laws and rules of action to improve his status in American life.

But we must remove fear from the hearts of men and women and restore their right of freedom and safety in the pursuit of those rights, if we would preserve the American system of freemen, and the leadership to peace that has recently fallen upon our shoulders.

Every representative of the people must carefully weigh what is right and what is wrong, and he must recognize that, while there may be thousands of telegrams sent to him supporting one side, yet there are milions of people back home who would send telegrams if they felt it to be necessary.

Those silent millions, both in and out of the ranks of labor, expect us to do our duty, and abolish any rules of the game heretofore established which interferes with their pursuit of happiness and the rightful exercise of their desires to make a living in such a way as not to interfere with the welfare of the people as a whole.

Let us not listen only to the loud voice of those who think they have the biggest interest in the passage or defeat of this bill, whether they be in the ranks of employers or the leaders of workers. Rather let us listen to the silent voice of the millions back home who seldom speak, but who are waiting for peace, prosperity, and justice, and who still believe in the guaranties of the Constitution of the United States.

No law can be much better than the proper administration of it makes it. A bad law can be made fairly good if wisely and equitably administered. A good law can be made horribly bad by an administration of it with the objective and purpose of proving it unworkable and bad.

This bill, wisely and fairly administered, will bring prosperity to the country and its people, and, in my judgment, which is founded upon 45 years of intimate association with labor, of which I was a part for a number of years, it will bring injury to none of the legitimate rights and freedoms of labor.

No bill will bring prosperity if those in power wish to make it fail. No law will be good of itself, and the limitations for all law lie in the honesty, intelligence, and integrity of its administration.

Since 1935 we have been operating under a labor law which destroyed mutuality between employer and employee. It even destroyed, to a very substantial extent, the right of free speech guaranteed by the Constitution of the United States. What happened to it? So far as I know, little or nothing has been done in 12 years to change the bad features of that law, until this Congress has finally offered a new set of rules which, in its opinion, will lead to substantial betterment in the relationship of employer and employee.

On the foundation of that relationship rest all the hopes of future years for prosperity at home and our leadership in the cause of justice and peace in world affairs.

I hope this Congress and succeeding Congresses will never make the mistake of letting any part of this law remain on the books as the guiding rule of human relationship one minute longer than it takes to analyze its effect and enact a cure in the form of amendments or replacements if they are needed to establish fair rules of human relationship between employer and employee—rules that are compatible with the preservation of our American system of freemen and the American system of making a living, based upon human rights and the security of property ownership—rules which do not stimulate friction and enmity between the groups which make up our American free competitive enterprise system.

Under our American system, the workingman of today can and has become the owner and employer of tomorrow. The rules of conduct or the laws governing the relationship of human beings are the foundation upon which we built, but the superstructure, which has made America great in the past, can only be preserved through friendly voluntary cooperation which recognizes that no good can come to any individual and remain with him permanently except through this process of voluntary cooperation, and a recognition by all that the welfare of the individual is absolutely dependent upon the over-all accomplishment and happiness of the people as a whole.

Believing these things, and recognizing the imperfections of human accomplishment on the one hand, and the power of the representatives of the people to correct things which are wrong on the other hand, I shall vote to override the Presidential veto.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Minnesota [Mr. BALL].

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). The Senator from Minnesota is recognized for 20 minutes.

Mr. BALL. Mr. President, as one who has been associated with the development of the pending legislation since its inception, and who has gone through all the many weeks of hearings and committee consideration, continuing over a period of about 5 months—which, of course, completely belies the suggestion and charge heard so often that this is hasty, ill-considered legislation—I studied the President's veto message very carefully.

I must say that I find it one of the most amazing documents to come out of the White House since I have been in the Senate. As I read that message, it appears to me that the President cannot find a single clause or section in the bill of which he approves. As far as I can recall, I think the only section on which he does not comment adversely is that prohibiting strikes by Government employees; which merely reenacts into permanent law a section which has been carried for 2 years in every appropriation bill.

That is an amazing situation, Mr. President. Here is a bill which has been evolved after 5 months of arduous effort by the committees of both Houses, which has commanded in each House over two-thirds of the votes of all the Members; and the President of the United States cannot find a single section of which he approves.

So far as the veto message is concerned, Mr. President, there are apparently no real abuses in the field of labor relations which need correction. I do not see how, in the light of that message, the Congress could possibly write a bill which would obtain Presidential approval.

I have known the present occupant of the White House for a long time. I served with him intimately on committees of the Congress. I do not believe that the President had time to study the bill carefully. I am convinced that the message and the ideas on which it was based were furnished to him by agencies of the Government, notably the National Labor Relations Board, on whose analysis of the bill there has been comment on the Senate floor.

I consider that analysis completely distorted, Mr. President. It disregards all the reports of the committees. It disregards the statements of the managers of the bill on the floor of the Senate and on the floor of the House, in order to put the harshest possible interpretation on every single section and sentence of the bill; as if the NLRB, which will have a major responsibility in administering it, will lean over backwards to make the law operate as harshly as possible on unions.

That kind of attitude, of course, we know is not going to prevail. I think it is rather significant that the analysis prepared by the attorneys of the Board follows so closely the analysis published and placed in the RECORD by Representative MARCANTONIO, of New York, and the analysis prepared by Lee Pressman, general counsel of the CIO, who could hardly be termed to be anxious for any kind of labor legislation.

Mr. President, this message is so studded with distortions of the clear legislative intent of the provisions of the bill that it would not be possible in the time allotted me to go into all of them, but I should like to refer to a few.

In his first comment, that the bill would substantially increase strikes, under paragraph (4), the President has this to say:

> The bill would force unions to strike or to boycott, if they wish to have a jurisdictional dispute settled by the National Labor Relations Board.

Mr. President, that statement is just not true. Every time the National Labor Relations Board now handles a representation case, the Board must first decide what is an appropriate unit; and in deciding what is an appropriate unit, it assigns certain work tasks to the people within that unit. So that every time there is a representation case, the Board, in effect, now decides that kind of jurisdictional dispute. Of course, when it is a dispute between two unions as to who shall represent all the employees in a plant, we know that the Board determines those disputes.

Mr. President, in his second list of objections to the bill, under paragraph (3) of his veto message, the President has this to say:

> The bill presents the danger that employers and employees might be prohibited from agreeing on safety provisions, rest-period rules, and many other legitimate practices, since such practices may fall under the language defining "featherbedding."

Mr. President, that again is a complete distortion of the actual wording of the section to which the President refers, which is 8 (b), which makes it an unfair practice for a labor organization—

> 6. To cause or attempt to cause an employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

There is not a word in that, Mr. President, about "featherbedding." It says that it is an unfair practice for a union to force an employer to pay for work which is not performed. In the colloquy on this floor between the Senator from Florida and the Senator from Ohio, before the bill was passed, it was made abundantly clear that it did not apply to rest periods, it did not apply to speedups or safety provisions, or to anything of that nature; it applied only to situations, for instance, where the Musicians' Federation forces an employer to hire one orchestra and then to pay for another stand-by orchestra, which does no work at all.

Mr. President, in the third list of objections to the bill, in paragraph (1), the President says this:

> The bill would invite frequent disruption of continuous plant production by opening up immense possibilities for many more elections, and adding new types of elections.

Mr. President, the only new type of election added is the one at which employees have a chance to vote for the first time, by secret ballot, as to whether they want compulsory membership in a union. That is the only new type of election. As for requiring more frequent elections, the only provision in the bill relating to that is in section 9, providing that only one valid election may be held in a single year. Instead of increasing the possibility of having too frequent elections, the bill goes in exactly the opposite direction by saying there cannot be more than one election in 1 year. At present, the law is silent in that regard, and there have been cases where elections have been held as many as three or four times in 1 year.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BALL. I am sorry, Mr. President; my time is limited, and I want to finish. If I have time, at the end of my remarks, I shall be glad to yield.

In his fourth set of objections to the bill, in paragraph (1), the President, in his veto message, says:

> The bill would make it easier for an employer to get rid of employees whom he wanted to discharge because they exercised their right of self-organization guaranteed by the act. It would permit an employer to dismiss a man on the pretext of a slight infraction of shop rules, even though his real motive was to discriminate against this employee for union activity.

Mr. President, what that refers to is an explicit provision inserted in the bill in conference, saying that if the employer proves to the satisfaction of the Board that he discharged an employee for cause, he cannot be held guilty of an unfair-labor practice in discharging him. That is exactly the rule which the courts now require the National Labor Relations Board to follow. In other words, if the National Labor Relations Board finds that an employer discharged an employee for cause, they cannot find him guilty of an unfair-labor practice, and it is up to the Board to make the decision.

In paragraph (4), under the same division, the President says this:

> It—
>
> The bill—
>
> would deprive workers of the power to meet the competition of goods produced under sweat-shop conditions by permitting employers to halt every type of secondary boycott, not merely those for unjustifiable purposes.

Mr. President, neither the Secretary of Labor nor the Chairman of the NLRB was able to tell us in specific terms what a justifiable secondary boycott is. But further than that, the whole purpose of the present Wagner Act is to guarantee to employees full freedom in choosing their own representatives.

Mr. President, the whole purpose of a secondary boycott is for one union to force the employees of another employer to choose that particular union as their representative, regardless of their own desires. Every secondary boycott today is in its purpose in violation of the National Labor Relations Act, and yet the President tells us that some of them are justifiable.

Paragraphs (5) and (6) of the same division again distort the plain definition of "agent" in section 2 of this rewrite of the Wagner Act, which says that to prove agency one does not necessarily have to prove that the principal specifically ratified or authorized the acts of the agent.

Finally, Mr. President, in his seventh list of objections is the statement that the bill would discriminate against employees. In paragraph (1) the President has this to say:

> (1) It would impose discriminatory penalties upon employers and employees for the same offense, that of violating the requirement that existing agreements be maintained for 60 days without strike or lock-out while a new agreement is being negotiated. Employers could only be required to restore the previous conditions of employment, but employees could be summarily dismissed by the employer.

Mr. President, that is a rather startling criticism to come from the same President who a year ago recommended a special bill which would have drafted into the Army employees who refused to go back to work when ordered to by the President, and which would have subjected them to the penalties of court martial if they refused to go back. I think ours is a very mild provision, which merely says to unions, "You must have a 60-day reopening clause in your contract."

Mr. President, those of us who have worked with the bill are convinced that there is not a provision in it which will hurt any legitimate activity of labor unions. Instead it is in effect a bill of rights for small employers and for the rank and file of working men and women. It deals specifically and clearly with such things as the abuses of compulsory membership in unions through closed and union-shop contracts, with the abuses of secondary boycotts and jurisdictional strikes, with the potential abuses of welfare funds.

I may say, Mr. President, that the sponsors of the bill agree that the provision on welfare funds is a stopgap designed to keep the situation from degenerating into a racket until Congress has time to investigate the whole thing fully. The bill clarifies the status of foremen, which is an imperative step if the free enterprise system is to continue to function efficiently in this country.

Finally, it deals, admittedly not too strongly, with the problem created when industry-wide strikes or lockouts tend to paralyze the whole national economy. It is not a final answer, but I may point out, Mr. President, that that is one of the specific subjects for the joint committee set up in title IV to study.

In conclusion, Mr. President, I do not think the veto message contains a single legitimate argument against the bill which can be sustained by fair-minded men and women, and I sincerely hope that the Senate will again pass this measure and make it law.

Mr. TAFT. Mr. President, I yield 10 or 15 minutes, whatever he wishes, to the Senator from New York [Mr. IVES].

Mr. IVES. Mr. President, when the conference bill was before this body on the day on which it was finally passed by the Senate, I expressed myself rather thoroughly concerning it. It is not my purpose at this time to repeat to any great extent what I said then.

However, the veto message accompanying the President's disapproval, as I see it, was utterly extreme, extreme in an uncalled-for manner, extreme in a sense which leaves no room by which there is a possibility to get together. Therefore, in the face of that veto message, I should like to make further comment.

As I said at that time, and I repeat now, this is not a perfect bill. No one knows that better than I do. However, I want to point out one very important thing, and that is that in all probability this is as near perfection, insofar as legislation of this nature is concerned, as we can hope to reach at this particular time of the Congress of the United States. It probably reflects more completely the composite thinking of the Congress of the United States at this time than would any other piece of legislation dealing with this subject.

So when the President comes forth and, as was pointed out by the Senator from Minnesota [Mr. BALL], has nothing favorable to say about any part of the legislation, it causes one to pause, because I happen to know very definitely that most parts of this measure are very good indeed. It is not as bad as it has been pictured to be in the veto message. The message contains exaggeration after exaggeration. The worst possible interpretation again and again is placed upon the bill's provisions. Then it is inferred it is to be subjected, finally, to the worst possible type of administration that any act of this nature could possibly have. Of course, if that were the case, we would have chaos; but that is not the case. The bill, with sympathetic, sincere administration, can be made to work, and it can be made to work without any injury whatever to the legitimate objectives of organized labor. In fact, administered properly, the bill can strengthen organized labor, and I want to see organized labor strengthened.

The attitude of the President, the attitude of the critics of the legislation, causes me to wonder: Is there going to be a definite attempt to sabotage this legislation if it is enacted? I come to the point which I think is one of the three most important in connection with the bill, namely, Will the National Labor Relations Board, and the administration under that Board, seek to sabotage the legislation? I do not believe so. I have faith in the Chairman of that Board. He may not agree with the bill, he may not like it, but he is the type of man who will do his utmost to see that its provisions are carried out faithfully.

There may be sabotage in other places. That is what has to be watched.

It must be definitely understood—and this is the second most important thing in connection with this legislation—that we should have an appropriation sufficient to permit the Board properly to administer the law. Let no one deceive himself about that. Failure to appropriate a sufficient amount of money can in itself bring about the sabotage of this act. I trust that the Congress of the United States, in its wisdom, will see that sufficient funds are provided for this purpose.

Third, and finally, and most important of all, is the question of the joint congressional committee which has been referred to in the discussion today. Too little attention has been paid to the importance of that joint committee. However, I think its significance is now beginning to be realized. The joint committee itself, through its own operations and activities, can pave the way for the removal of any undesirable situation which may develop as a result of this legislation. That may sound like a rather extreme statement. I have had experience in this field, with this type of committee activity and this type of approach. I am not afraid of this bill, with the type of joint congressional committee which I assume will be established under it—seven members from the Senate and seven members from the House. This joint committee will have a grave responsibility. Presumably, its members will be named at the time the law goes into effect, which I assume will be 60 days after the enactment of the bill.

The joint congressional committee has two areas of responsibility in the very first instance. First, it must see that there is no sabotage in the administration of the law. That is one task which, above all others, it must assume—to see that the administration is as we intend it to be, that there is fairness and justice under the law and that the new law is interpreted as it is our intention that it should be interpreted.

The second main function of the joint committee this year will be the job of ascertaining those parts of the bill which may not be perfect, which may not work satisfactorily. There may be a few provisions which will not work as intended; but that should not be permitted to destroy the whole piece of legislation. The task of the committee will be to ascertain those unsatisfactory parts, to prepare appropriate amendments, and to see that these amendments are offered and properly supported at the next session of the Congress.

As I stated in my remarks 2 weeks ago, this bill is not an end product. This is not final legislation on this subject. That was the mistake which had been made in connection with the National Labor Relations Act, when it was first passed, and ever since. This type of legislation is subject to constant change and correction. If it were perfect today, 5 years from today many imperfections would very likely have shown up, in view of intervening circumstances. There can be no end product, no final legislation, in this field.

With that understanding, the joint congressional committee can go forward, looking for corrections which must be

made, and helping management and labor to get together and to work together. These things they can do, and I know it. The joint committee should act in part to help formulate administrative policy and procedure as well as to perform its functions as a strictly legislative agency at the inception of the new law. These things the committee can do, and I know it.

If the committee will go forward with the idea of helping to get labor and management together, the idea of correcting the defects in the legislation, and, finally, the idea of having a law which is absolutely fair and as nearly perfect as possible, then I predict that the bill passed today—as I believe it will be—will prove to be of great benefit to the country.

Mr. KNOWLAND. Mr. President, will the Senator yield?

Mr. IVES. I yield.

Mr. KNOWLAND. I should like to say to the able Senator from New York that as chairman of the Subcommittee on Labor and Federal Security of the Committee on Appropriations, I quite agree with him that there must be sufficient funds for the National Labor Relations Board to carry out the purposes of the proposed act. As chairman of the subcommittee, I shall do everything in my power to see that adequate funds are supplied.

Mr. IVES. I thank the Senator from California.

The PRESIDENT pro tempore. Does the Senator from Ohio [Mr. TAFT] yield further?

Mr TAFT. Mr. President, I have no other speaker at the moment.

Mr. MORSE. Mr. President, acting in behalf of the Senator from Florida [Mr. PEPPER] while he is absent from the Chamber, I shall parcel out the time until he returns, or until the Senator from Ohio again wishes to take time.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. MORSE. I yield 5 minutes to myself, Mr. President.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I shall not speak at length, as my announcement indicates; but I could. [Laughter.] I have been very much interested in some of the newspaper comments today, to the effect that those of us who spoke at length last Friday and Saturday in opposition to the attempt to force a vote Saturday at 5 p. m. on the President's veto failed to win our point. Some papers are saying that the filibuster petered out and fizzled.

I note in the Washington Post this morning another of its slanted editorials on the historic debate on labor issues which has been going on during this session of Congress. As to the debate of last Friday and Saturday, the editorial says that—

> The filibuster against the labor bill fizzled without bringing either credit or hope of victory to its sponsors.

It would be rather interesting if the press, and particularly the Washington Post in its editorials, would present the facts in regard to the filibuster of last week end. The news stories in the Washington Post were very accurate, but its editorial of this morning, like some of its other editorials on this labor legislation, was very misleading and inaccurate.

The facts are that the filibuster would have been in progress as of this hour if the majority in this body had not accepted the terms on which the filibuster was ended. We stated at the beginning of the filibuster that there would be no vote on Saturday at 5 o'clock, and that we would continue to talk through the week end until our point was granted, namely, that the majority in this body should not be allowed to force its will upon a minority exercising its rights. We had the right under the rules to object to the proposal for a unanimous-consent agreement to vote on the veto message at 5 p. m. on Saturday. We exercised that right. The majority became angry and in violation of our rights under the rule decided to force us into a continuous session unless we yielded to their demand that we forego our rights. We accepted their challenge. We said that the rule requiring unanimous consent of the Senate before debate could be stopped in the Senate would become meaningless if the majority were permitted to adopt the tactics with which they threatened us. We pointed out why we thought that no vote should be taken before 3 p. m. Monday. When the majority refused to extend to us the parliamentary courtesy to which we were entitled under the spirit and intent of the unanimous-consent rule, we proceeded to talk at length. We quickly organized a group of speakers to talk through the week end and until Monday at 3 p. m. Those are the facts.

It was my agreement with my colleagues to talk until half an hour past midnight on Saturday. I could have done so. I was taking care of myself in the debate all day Saturday from 6:30 a. m., so that I knew I could have done it. In 1941, at the Raleigh Hotel, in the settlement of the railroad case, I held representatives of the parties in session in several committee rooms for 36 continuous hours without a wink of sleep on my part. My carcass has not so deteriorated since 1941 that I could not have kept the Senate in session until half an hour past midnight last Saturday. We had the majority licked and they soon discovered it. The majority settled the filibuster by surrendering its untenable position in this fight. It accepted the terms which we laid down—that we would not vote before 3 o'clock this afternoon. That was our position throughout. It was the Republican leadership that fizzled and blundered by ever starting this fight. Let the Washington Post present that fact if it wants to be fair. It should square its editorials with the facts of its excellent news stories.

Let me make a point or two with regard to the merits of the great issue now before us. I have just listened to two very interesting and able speeches—one by my good friend from Minnesota [Mr. BALL] and the other by my good friend from New York [Mr. IVES].

I think these two distinguished Senators have overlooked one very fundamental point in drafting legislation, and that is that if legislation contains language which permits of abuse of power, it is bad legislation. To say that they believe that extreme interpretations have been placed on the legislation by the President and by some of us who have opposed the legislation on the floor of the Senate is to overlook the point that what the President has been pointing out, and what we have been pointing out, is that the language of the bill would permit abuse of power. It is subject to the interpretation we have put on it and party litigants under it will be entitled to those interpretations as a matter of legal right. This law will not and cannot, under its legal meaning, be interpreted and administered to please the Senator from Minnesota and the Senator from New York. It must be given its legal meaning by the courts and I say that the courts are bound to apply it quite differently from the way Senator IVES and Senator BALL talk about it.

To try to alibi it, or rationalize it on the ground that if it is properly administered it will not be as bad as we think it will be, begs the whole question. The Senator from Minnesota [Mr. BALL] and the Senator from New York [Mr. IVES] cannot take away from the courts of this land their solemn obligation to give the legal meaning to the language used in this bill as the law requires. Employees will be entitled to decisions under it which, according to the language of the bill, will enable them to destroy many legitimate rights of labor.

The PRESIDENT pro tempore. Does the Senator wish to extend his own time?

Mr. MORSE. For 2 minutes, Mr. President.

The PRESIDENT pro tempore. The Senator is recognized for two additional minutes.

Mr. MORSE. The courts are bound to apply the language of this bill in accordance with its legal meaning; and when they do, many hardships will be imposed not only upon organized labor in this country but upon employers as well. It is a legal monstrosity which will cause much litigation and resulting labor strife.

The second point I would make on their speeches is that running through them is the tacit admission that before this bill is finally passed they recognize that it contains a great many imperfections. So does the Washington Post seem to recognize that fact in some of its slanted editorials. I say statesmanship calls upon us now to prevent the passage of legislation which even the sponsors themselves will admit contains many imperfections. These sponsors are engaging already in a confession and avoidance plea.

The last point I want to make is one in regard to Senator IVES' talk about sabotaging the bill. I do not know what he meant by sabotage, but, as I said on Saturday, if this bill goes on the books the junior Senator from Oregon will take the position that the forces of government must be used to carry out and enforce the bill. There cannot be government by law in this country on any other basis. But our insistence upon enforcement of the law is not going to change human nature. I am very much of the opinion that labor, recognizing the tremendous injury that this bill will inflict

upon its legitimate rights, will dig in along a united front and fight the administration of this bill to the extent that it visits upon labor gross injustices.

Will that produce industrial harmony in America? Will that give us the peace in industry that we want? Not at all, Mr. President. We shall not be able to escape the fact that before this bill is even dry on the statute books we shall have to proceed at once to work out substantial revisions of it. Why not do it now? Why not recognize the duty of statesmanship which rests upon each and every one of us and sustain this veto and then proceed, as was pointed out by another speaker this morning, the very able statesman from Wyoming [Mr. O'MAHONEY] to work on a bill that will meet the objections which have been raised to this bill? I think that is the solemn duty of each one of us in this session of Congress. I shall not vote, Mr. President, for a bill which the proponents already recognize is one which should be started down the road of revision.

Mr. President, I do not believe that an issue more vital to the economic welfare and the over-all public interest of this country will be before the Members of this body for many a day. I am sure that at the hour of 3 o'clock this afternoon every man in this body will have an opportunity to make his record as to whether he will vote to protect the public interest or will vote for a bill so prejudiced in its terms that it will invite and invoke great industrial disharmony for years to come until the injustices of the bill are wiped once and for all off the statute books of America? I shall be glad to stand on my record of consistent opposition to this bill and in support of the President's excellent and unanswerable veto message.

Mr. ROBERTSON of Wyoming. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. TAFT. I yield 1 minute to the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for 1 minute.

Mr. ROBERTSON of Wyoming. Mr. President, at this point in the debate I ask that an editorial in the New York Times, the leading Democratic newspaper of the United States, be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LAST VOTE ON THE LABOR BILL

Today at 3 p. m. the fate of the Taft-Hartley labor bill will be decided. At that hour the Senate, by agreement, will vote either to override the President's veto or sustain it. If the veto is overridden, the bill will be automatically entered on the statute books and become the law of the land.

On Saturday the filibuster, which was certainly the poorest argument advanced against the bill, showed signs of collapsing through the sheer physical inability of the handful of Senators who engineered it to carry it on. At least, it accomplished the delay they sought. It may or may not have given the administration time enough to switch a few votes. Sometimes such tactics boomerang on those who invoke them. The tally today will show to what extent the last-ditch stand of the bill's opponents was effective.

No further debate, however, could possibly add any enlightenment to the consideration of the measure. Few measures in the history of Congress have been more fully discussed and debated. The Taft-Hartley labor-management bill has been in the making since January. Labor leaders, one after another, have appeared before committees of the two Houses to express their views in opposition or offer their advice. Not one of them admitted any need for reform or offered a helpful suggestion. Advocates of the legislation have received the same careful hearing. Liberal Senators and friends of labor like Senator IVES have been listened to attentively and have exercised a moderating influence on the legislation as it now stands. The formal debates in Congress have been exhaustive and no point at issue has been overlooked. The President has fully expressed his disapproval, both in his lengthy veto message and in his radio appeal to the people. Labor has had ample time to conduct an opposition campaign through extensive newspaper advertising and public meetings. By every rule of reason, the debate has ended.

And Congress has determined that it shall end. The measure is backed by huge majorities in both Chambers. In the House, which has already rejected Mr. Truman's veto, the vote was 4 to 1 against the President. In the Senate the majority in favor of the bill is almost as impressive. It includes many in the President's own party and men of both parties recognized as liberal and moderate. Only in the Senate, where the overriding majority must register at least two-thirds of those voting, does any doubt of the bill's passage remain. That doubt is about to be resolved.

Mr. TAFT. Mr. President, I yield 1 minute to the Senator from New York [Mr. IVES].

Mr. IVES. Mr. President, I do not want it understood in this body that I indicated or intended to indicate in my remarks that this bill has all the matter with it which the Senator from Oregon would indicate I may have indicated. I think, on the whole, that the bill has very little the matter with it that will have to be corrected. Again I say that, on the whole, it is as good a piece of legislation, undoubtedly, as we can get together at this time.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Connecticut [Mr. BALDWIN].

The PRESIDENT pro tempore. The Senator from Connecticut is recognized for 10 minutes.

Mr. BALDWIN. Mr. President, as a freshman Senator last January I sat in the Hall of the House at the joint session and listened to the President's message on the state of the Union. I have a copy of it here. I find that the matter of labor-management relationship is a matter which is dealt with in that message at greater length than is any other single subject. I think, Mr. President, that we are overlooking the fact that the President himself made many recommendations with reference to labor-management legislation. We seem to be laboring under the thought that the President himself has not expressed any opinion with reference to it until he expressed it in his veto message. That is not the fact. So, just for a moment or two, Mr. President, I should like to deal with some of the recommendations which the President of the United States made in that message. He said, in speaking of collective bargaining:

But as yet not all of us have learned what it means to bargain freely and fairly. Nor have all of us learned to carry the mutual responsibilities that accompany the right to bargain. There have been abuses and harmful practices which limit the effectiveness of our system of collective bargaining. Furthermore, we have lacked sufficient governmental machinery to aid labor and management in resolving differences.

Mr. President, this bill attempts to deal and, I think, does deal as effectively as possible with all of the generalities to which the President himself called attention in this part of his message.

Then he said this:

Certain labor-management problems need attention at once and certain others, by reason of their complexity, need exhaustive investigation and study.

This bill, Mr. President, does deal fairly and justly with certain labor-management problems.

I had occasion a short time ago to look into the matter of the length of time which was spent in hearings on the Wagner Labor Relations Act, that very vitally important piece of legislation which has so greatly affected and, I think, in most respects, affected for good, the labor-management relations of the people of this country. I found that the time spent in hearings on that vitally important piece of legislation was not more than half the time which has been spent upon this legislation with which we are dealing today. I think, Mr. President, if my recollection serves me correctly, that the same thing can be said of the time spent in debate on that measure. In my humble judgment, since I have been in the Senate, never has more careful and thorough attention been given to a piece of legislation than has been given to the bill with which we are now dealing.

The President said this:

We should enact legislation to correct certain abuses and to provide additional governmental assistance in bargaining. But we should also concern ourselves with the basic causes of labor-management difficulties.

I think this bill fairly deals with the things which the President mentioned.

He said further:

Point No. 1 is the early enactment of legislation to prevent certain unjustifiable practices.

First, under this point, are jurisdictional strikes. In such strikes the public and the employer are innocent bystanders who are injured by a collision between rival unions. This type of dispute hurts production, industry, and the public—and labor itself. I consider jurisdictional strikes indefensible.

This bill, Mr. President, deals, and I think fairly and justly, with the subject of jurisdictional strikes.

The President said, further:

The National Labor Relations Act provides procedures for determining which union represents the employees of a particular employer. In some jurisdictional disputes, however, minority unions strike to compel employers to deal with them despite a legal duty to bargain with the majority union. Strikes to compel an employer to violate the law are inexcusable. Legislation to prevent such strikes is clearly desirable.

While this bill may not be perfect in all details, Mr. President, an honest, earnest, and, I think, effective attempt has been made to deal with that subject matter.

The President further said:

> Another form of interunion disagreement is the jurisdictional strike involving the question of which labor union is entitled to perform a particular task. When rival unions are unable to settle such disputes themselves, provision must be made for peaceful and binding determination of the issues.

Mr. President, that is dealt with fairly and justly in this bill. The President said further:

> The appropriate goal is legislation which prohibits secondary boycotts in pursuance of unjustifiable objectives, but does not impair the union's right to preserve its own existence and the gains made in genuine collective bargaining.

Mr. President, the matter of boycotts, too, is effectively dealt with in this bill.

We could go down through that message, with item after item that the President himself has recommended as needing legislative attention, and we could lay those recommendations alongside this bill and, I believe, could show that every one of them has been dealt with in the bill in a fair and honest and earnest attempt to provide a remedy.

The President also recommended a joint commission. The Congress has seen fit to deal with that recommendation by providing for a joint committee to be appointed by the President of the Senate and the Speaker of the House of Representatives. That committee has a great responsibility, Mr. President. Its purpose is to watch the effectiveness of this legislation and to make amendments and changes where it believes that abuses under this new legislation may occur and where a more effective or just method can be found. I have enough confidence in my colleagues on both sides of the aisle in this Senate, and likewise in the Members of the House of Representatives, to believe that they will earnestly and fairly watch this legislation, and where abuses occur, will step in with amendments for their remedy. I myself will lend my full support to corrective measures if corrective measures may be necessary to take care of abuses which may appear under this bill.

Mr. President, the junior Senator from Connecticut as a freshman Senator took the recommendations of the President of the United States very seriously. True, I was not on the Committee on Labor and Public Welfare, but I did read the hearings, I did listen to most of the debate, and I have seen every representative of an organized labor group who has come to my office, either back home in Connecticut or here in Washington. I talked with those people as earnestly and fairly as I could, to get their points of view, and, in some respects, when they made a point, I bore it to the committee in an effort to get some changes, and some corrective changes, along the line of those suggestions, as made to me.

Mr. President, our labor-management relations in Connecticut have been good—better, I think, than in most other parts of the country. But I, as a Senator in the Senate of the United States, must deal with this problem on a Nation-wide basis. I must exercise my own honest, best judgment to determine, in the light of what is presented here, whether by and large this bill will do what it is intended to do—improve labor-management relationships. In my humble judgment, it will do exactly that.

So, Mr. President, I was somewhat surprised and somewhat disappointed when we received a veto message which found fault with every single provision in this bill, without a word of recommendation as to how the changes should be made. Of course, we live in a political system; in a sense we are all politicians. God grant that we may be politicians in the true and correct sense to advance the science of free government. I do not want to cast any aspersions upon this veto message, but I do say that a veto message which apparently finds fault with every single part of this bill without any suggestion of solution loses, in my humble judgment, a great deal of weight in its effect upon the judgment of the Members of this Senate and in its effect upon the thinking of the entire people of the United States.

Last fall, after the election, the President had this to say—and I quote now from an editorial appearing in the New York Times. This editorial has already been inserted in the RECORD:

> So sweeping was the popular verdict that the President himself publicly announced his acceptance of the decision at the polls, and pledged his full cooperation with the new Congress in a nonpartisan spirit. Said he—

Now I quote further from this editorial, which purports at this point to quote the words of the President:

> The people have elected a Republican majority to the Senate and House of Representatives. Under our Constitution, the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of the Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the results of any fair election.

Mr. President, in light of that statement, I humbly raise the question whether this veto message fairly and justly lives up to the assertion of nonpartisanship.

The PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

To whom does the Senator from Ohio yield at this time?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. How many minutes are left to both sides?

The PRESIDENT pro tempore. Each side has 32 minutes remaining.

Mr. TAFT. I think it is probably the turn of the Senator from Florida at this point. Some six or seven Senators have spoken on our side, and only two Senators on the other side have spoken.

Mr. LANGER. Mr. President, I desire to have 2 minutes.

The PRESIDENT pro tempore. The time is under the control of the Senator from Ohio and the Senator from Florida.

Mr. PEPPER. I yield 2 minutes to the Senator from North Dakota.

Mr. LANGER. Mr. President, laying aside all consideration of the unfair provisions of the Taft-Hartley measure which the President has vetoed, and which is before us for final action today, I desire to make a very brief statement regarding it from a new angle.

For a considerable time, this bill has been a political football, as everyone is aware, with the two major parties striving for the most favorable position in the elections next year. This bill is sponsored by the Republican Party; and it was said by some, prior to the veto, that its passage by the Congress placed the President on the horns of a dilemma, inasmuch as approval of it by him would alienate large groups of voters, while, on the other hand, if the bill were vetoed and if the veto were sustained, it could be pointed out by his opponents, in cases of strikes or other industrial disturbances, that the President was fully responsible because the Republican Congress had passed the bill, and therefore the President was responsible, inasmuch as he did not permit the bill to be finally enacted.

Mr. President, I have listened to the distinguished Senator from Connecticut who has just concluded speaking. I challenge his statement that the President's veto is against every sentence and paragraph of that bill. The President particularly said that he wanted labor legislation, that he was against the secondary boycotts, that he was against jurisdictional strikes.

Now the President has vetoed the bill. I say to the Senate today that if this veto is overridden, the President of the United States will be a hero to the farmers and laborers for whom he fought, and every Senator who votes against sustaining the veto will, of course, take the consequences of his action.

Mr. PEPPER. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. TAYLOR].

The PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. TAYLOR. Mr. President, I am glad the Senator from Nebraska is on the floor, because I wish to add my word to those spoken by the Senator from Oregon in expressing my astonishment at reading in the papers that the Senator from Nebraska said it had been proven that the majority had shown how to break a filibuster, namely, by just staying in session. In the first place, as I have repeated, I did not engage in a filibuster. It was merely a thoughtful interlude, to give the people time to think the matter over. The majority did not break anything. The debate could have gone on, the Lord knows how long, but they agreed to what we wanted in the first place, namely, a delay at least until after the President of the United States had had time to talk to the people of America. That is what we were after, and that is what we got. If that is a victory for the Republican majority steamroller, very well, I hope they enjoy many such victories.

Mr. President, this legislation is going to cause chaos in the United States. In fact, if I were Joe Stalin, I could not wish for anything more up my alley than the

labor bill that is about to be foisted on the people of America, because it is going to be unworkable. There will be more strikes, there will be confusion and chaos, and we all know that is what communism feeds on.

The people of America feel strongly about this matter, Mr. President. Senators will notice that the page boys are putting on my desk and the adjoining desks petitions signed by 54,681 citizens of America protesting this legislation, urging that it be vetoed, and urging that the veto be upheld. It takes a lot of work just to sign this many petitions. It goes to show how strongly the people of America feel about the matter. I dare say that if these petitions were rolled out and placed end to end, there would be enough to reach from here to the White House.

I will ask the boys to take the petitions away now. I just wanted the folks to see them. Here they are. I do not intend to read them into the RECORD in the 5 minutes at my disposal.

Mr. President, I wish to make a last-minute appeal to my southern colleagues. I desire to impress upon them that the Democratic Party must be a liberal party, if it is to be a party at all. I implore them to help us in the struggle to make the Democratic Party a liberal party, and in return I can assure them that those of us who consider ourselves liberals will not be unreasonable in our dealings with our southern friends. We want to advance the cause of the colored people, we insist that progress be made, but we do not insist on a revolution overnight in this matter. I do wish to extend this last-minute appeal to our friends from south of the Mason and Dixon's line, to join with us in upholding the hands of the President of the United States, and the leader of our party, in this crucial instance.

In closing, I should like to say to the Senator from Connecticut, when he calls attention to the fact that our President offered to cooperate with the majority party in passing legislation beneficial to the American people, that I agree he did, but the President of the United States did not agree to join the majority party or anybody else in enslaving the American people, cutting the heart out of the labor movement of America, and wrecking our economy.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PEPPER. Mr. President, I will ask the Senator from Ohio if he will not have some speaker on his side proceed. I have been awaiting the return of the minority leader to the floor. It would be a convenience if the Senator from Ohio might have someone take the floor at this time.

Mr. TAFT. Mr. President, there is no other speaker to proceed at the moment. I have been in charge of the bill for some 5 months, and I should like to close the debate myself. I am ready to speak, but I have no particular desire to take the full time. There is no one else on this side who desires to speak at this time.

Mr. PEPPER. I shall address myself to the measure, awaiting the return of the minority leader, and desist in his favor upon his arrival.

Mr. President, I think all of us feel this is a critical vote we are about to cast this afternoon. As the President said in his message, the significance of the vote will be felt for decades yet to come. When the historian looks back upon this period, and seeks to discover some of the criteria of the sentiment of this era, I am sure this will be one of the votes upon which the historian will place his finger in accusing condemnation.

Mr. President, this is not the first time a decision has been made between the special and the general interests. This is not the first time the mighty storm of reaction has burst over a nation or a people. This is not the first time the mighty waves of selfishness have broken upon the helpless and defenseless masses of the people. But I am comforted by the memory, and by the testimony of history, that those victories of reaction have not been permanent, and that the masses of the people, however constantly pressed to earth, have, like truth, always risen again.

Mr. President, the Republican majority in this body cannot destroy the labor movement of America, nor can it retard the inevitable progress of both economic and political democracy. I foresee the day when we shall do in the Congress what the labor government in Great Britain did to the stupid legislation enacted after the general strike in Great Britain in 1926, which rankled in the breast of labor and the lovers of democracy until it was wiped from the statute books of that great nation. This, too, will not endure if it, in this moment of frenzy, in this moment of intolerance, in the sweep of reaction, shall come to be a part of the statute law of this land.

No, Mr. President, the common man is on the march; he is going forward, not backward. He is going to enjoy more democratic liberties, not less. He will have stronger collective-bargaining power, not weaker, and he will have more laws upon the statute books of a nation as his protecting shield, not fewer laws, in the bitter struggle to lift himself and his family up to the accepted American level and standard of decency.

Mr. President, while there may be passing comfort for those who may gain the victory in this cause—should they gain it—I venture to remind them of another who gained a victory. It was the great Pyrrhus, who lost his army in his victory, and to those who are—if they do—to achieve this political victory, it will be a pyrrhic economic victory in the first place, and I dare say a pyrrhic political victory as well.

The workers of America have been accustomed to economic and political democracy. They are not going to forget it, and they are not going to allow it to be snatched away from them. It has become a part of the American tradition. It has become a part of the heart and sentiment of American democracy.

Mr. President, neither should those who may feel a temporary disappointment or dejection consider there is any permanence in that sentiment, because the tide will inevitably turn, and whether this reactionary wave shall break upon the jagged rocks of another depression, or whether it shall finally be hurled back by the determined persistence of the masses of the working people of America, be sure, Mr. President, it will not endure.

Yet, the people could be spared so much tragedy, so much strife, so much bitter conflict. After the last war similar policies were adopted. Not I, but Gov. Harold E. Stassen, of Minnesota, said it was the antilabor policy of the United States Government, then in charge of the majority party of today in the Senate, that contributed to the depression of the late 1929's, and hurled America into the darkest economic abyss of our time. That, too, could have been spared. But we chose not to spare our generation that ordeal. If the same party shall be responsible for the same folly, Mr. President, they will have to take the responsibility for the same inevitable and tragic consequences.

So, Mr. President, I wish we could learn more from history. We might have been saved a depression and spared a war, could we have learned more, Mr. President, about economic democracy and about collaboration for world peace.

But, Mr. President, if we shall have to pay the cost of another depression, and, God forbid, another war, for our folly, then I shall still hope that, at long last, we may learn that economic and political democracy is best for all, Mr. President, not just for a favored class; it is best for all; and the American people are determined to have it, however bitter may be the temporary assults upon their struggle, whatever passing victories may be achieved by those who come into temporary command and authority.

I yield to the minority leader, the Senator from Kentucky, in case he cares to speak now.

The PRESIDENT pro tempore. The Senator from Kentucky may be recognized for how many minutes?

Mr. PEPPER. For the time that remains on this side.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 18 minutes.

Mr. BARKLEY. Mr. President, I thank the Senator from Florida for his generosity in yielding to me the time that remains to those opposing the bill. I recognize the tenseness which surrounds our deliberations at this time regarding one of the most vital subjects that confronts the American people. I have from the very outset sought to divorce my consideration of this subject from politics, except that we all know that in our complex society, where the Government has been compelled to extend its authority more and more as time went on, we cannot very well escape considerations of politics, in the broad sense of that term.

As I have heretofore said on this floor, it is impossible to draw a straight line and say that all on one side is politics and all on the other is economics. The economic condition of our country and of the world may determine their politics, and frequently the political conditions which have existed and persisted have had a permanent influence upon our economics. I have tried to divorce my consideration of the pending legislation

from any coloring by partisan politics, and therefore I regret profoundly that there have been, in and out of Congress, those who have seen fit to impugn the integrity and the sincerity of the President of the United States in regard to the veto of the bill.

I do not know, Mr. President, whether the people of the United States at the last election gave a mandate to any political party or not. I imagine that every Member of the House and the Senate who was a candidate made his own platform, upon which he appealed to the people of his State or his district. There was no general platform upon which all ran for Congress. I have no doubt that the platforms probably varied according to the sentiment of the district. But we are constantly told that the American people issued a mandate to the Congress of the United States to do or not to do certain things.

Following that election, the President of the United States issued what I regarded then, and regard now, as a broad-minded and constructive statement, in which he accepted in good faith the results of the election. I hold in my hand an editorial from the New York Times of last Saturday, June 21, a paper for which I have the greatest respect, which I read every day and Sunday, and which I regard as one of the greatest newspapers in the world, if not the greatest. In this editorial the statement issued by the President last November is quoted. I do not wish to have the entire editorial placed in the RECORD, but I desire to quote that part of it referred to as containing the statement of the President:

> The people have elected a Republican majority to the Senate and House of Representatives. Under our Constitution the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of the Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the results of any fair election.

Because of that cooperative statement on the part of the President of the United States, in which he said he accepted the result, as we all accepted it, it is now claimed that he foreclosed himself against the exercise of his constitutional power in determining what his attitude shall be toward legislation which is placed upon his desk; that, because he accepted the result of the election, he cannot exercise the right of veto given to him by the Constitution, with respect to this labor legislation. The same newspapers which have quoted that statement as foreclosing the President in regard to the pending legislation also refer to it in regard to his veto of the tax bill; and yet the same press which condemns him for vetoing the tax bill and the labor bill, because he accepted the result of the last election, demands that he veto another bill now on his desk, the so-called wool bill.

If he violated his obligation under the Constitution and his statement made after the last election by vetoing the labor bill and the tax bill, where could we draw the line so as to retain in the Chief Executive of this Nation the right and the power and the judgment still to exercise his own prerogative conferred upon him by the Constitution as a part of the legislative process in dealing with any law that Congress may enact and send to the White House?

Mr. President, I have heard it said by Senators, I have heard it repeated in public and in private, that the President may be right in his analysis of the legislation, that it may be unworkable, that it may be discriminatory, that it may be unfair, that it may inject the power and interference of the Government into our economic system far beyond the requirements of the situation with which we are dealing, but nevertheless they feel constrained to vote to override the veto because, as they say, the people want a bill.

Mr. President, the people, I have no doubt, want a bill. The people have not read this bill. I do not know whether they want this bill or not. I myself would like to have a bill, but I will not vote for this bill.

Mr. President, I think the Senators of the United States owe some obligations to the people. If some of us feel that the bill is unworkable, that it is unwise, that it goes far beyond the precincts which it should inhabit in order to do something in the shape of a bill, it is my conception of our duty here to vote our convictions upon it and take upon ourselves the obligation to explain to our people why we take that course. That may require some swimming upstream, Mr. President, but I think it is better to swim upstream, if necessary, than to float downstream. It may involve political inconvenience. It is always easier to float downstream than to swim upstream, but swimming upstream gives infinitely more exercise and more character than mere floating with the tide.

There is a well-known species of fish in the West that swims upstream. It battles with the rapid currents of the mounting stream in order to find a spawning place in the upper reaches of the stream. Then it spawns and dies, and by that process nature provides mankind with fish of that variety.

If, in consideration of legislation here and elsewhere, we find it necessary among our own people to battle the ripples of the stream as we try to swim upstream, even though it might involve our political death, if we can render that service to society which this species of fish renders by surrendering its own life, it will be worth the effort, Mr. President.

The other day the integrity and sincerity and the very word of the President of the United States was brought in jeopardy by a prominent Member of the Congress of the United States, who stated that in vetoing the labor bill the President had violated his word to the American people. Before the bill ever went to the White House, Mr. President, I stated that I was confident the President would give it the most sincere consideration of which he was capable, that he would have it analyzed by those upon whom he had a right to rely, from a legal and economic standpoint, and would arrive at a judgment in accordance with his own conscience, without regard to its political effect upon him. I do not know what the political effect may be upon him. I do not know what political effect may result to the party of which he is the head, but since I have been a Member of the Congress of the United States for 34 years, more than 20 of which have been spent in this body, I have never seen any legislation so carefully and so meticulously analyzed as the labor bill was analyzed in the message of the President returning it to us without his approval. Notwithstanding statements that have been made by high-ranking Members of this body that the President did not understand the bill and does not now understand it, I make bold to say that nobody else on either side has analyzed it so carefully or explained it so meticulously as the President did in his message to Congress or to the House of Representatives.

Suppose it turns out that the President is right, Mr. President. Suppose it transpires that it does produce chaos instead of order. Suppose it turns out that it brings about more strikes instead of fewer strikes. Suppose it turns out that it throws our economic and industrial system into a revolving cauldron of disagreement, chaos, and misunderstanding, it will make little difference then who may have been right from a political or partisan standpoint in the consideration of this legislation.

Mr. President, I wish to read a letter which I have just received from the President of the United States, to confound those who said that he vetoed the bill for political reasons hoping that the Congress would override his veto and make it a law anyhow regardless of the veto. I am happy to say that Harry S. Truman is not that kind of a President, he is not that kind of a cheap politician. If he were, he would not be entitled to and would not enjoy the confidence of the American people. I read his letter:

> THE WHITE HOUSE,
> *Washington, June 23, 1947.*
>
> The Honorable ALBEN W. BARKLEY,
> *The United States Senate,*
> *Washington, D. C.*
>
> DEAR SENATOR BARKLEY: I feel so strongly about the labor bill which the Senate will vote on this afternoon that I wish to reaffirm my sincere belief that it will do serious harm to our country.
>
> This is a critical period in our history and any measure which will adversely affect our national unity will render a distinct disservice not only to this Nation but to the world.
>
> I am convinced that such would be the result if the veto of this bill should be overridden.
>
> I commend you and your associates who have fought so earnestly against this dangerous legislation.
>
> I want you to know you have my unqualified support, and it is my fervent hope, for the good of the country, that you and your colleagues will be successful in your efforts to keep this bill from becoming law.
>
> Very sincerely yours,
> HARRY S. TRUMAN.

The PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. BARKLEY. I urge my colleagues, in a final word, to sustain this veto for the reasons given so eloquently and cogently in the President's message.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Georgia [Mr. GEORGE].

Mr. GEORGE. Mr. President, I wish to say at the outset that I have not the slightest doubt that the President of the United States is entirely sincere in submitting his veto message. I have no doubt also that he has analyzed the bill with the assistance of those in the executive branch of the Government who are unfriendly to this legislation. But I have no doubt that the President has reached what he considers to be an entirely honest decision on this measure.

Mr. President, I voted for this legislation when it came before the Senate. I voted for the conference report; and I shall have to vote to override the President's veto. My reasons are simple. Within 10 minutes, of course, I could not undertake and would not undertake to discuss the merits of the bill as such.

Almost 12 years ago, in July 1935, the Congress of the United States and the President of the United States approved the Wagner Act. I voted for the Wagner Act. I therefore do not appear on this floor as one unfriendly to labor. At that time I believed that it was necessary to pass the Wagner Act, although I realized that it was a very one-sided piece of legislation.

What has occurred in the interim? For nearly 10 years, at least, honest men in industry, and many in labor, as well as many not directly connected with either management or labor, have earnestly besought the American Congress to make some simple, sensible amendments to the Wagner Act.

What has happened? During all that long period of time the Committee on Education and Labor in the United States Senate has held the line, and aside from the present bill has brought to this floor only one other bit of legislation which would have corrected, in a small degree, the inequities and unbalance of the Wagner Act. I refer to the Case bill, which the President saw fit to veto about a year ago after it had been passed by the Congress of the United States.

I do not criticize the President for the exercise of his veto rights and powers; but I do assert that if there is to be any labor legislation in America, if we are to bring about any degree of balance in the unbalanced condition which has existed for almost 12 years, now is the time to do it, not in anger toward the workers of the Nation, not in resentment of their devotion to legislation which they thought was for their benefit, but simply and solely because this Nation, as a representative government, must somewhere down the road decide whether the people of the United States shall be allowed to function through their lawmaking bodies, or whether organized minorities are to control and dictate the legislation which we must have.

I speak plainly, but not in anger. There is but one way for us to break the strangle hold of labor bosses—not the rank and file of the workers, but labor bosses who have been unwilling to dot an "i" or cross a "t" for 12 long years. That is to pass this bill and invite labor and management to come to the Congress of the United States, where both should come, and sit around the table as honest men, representing conflicting and ofttimes hostile interests, be it conceded, and there iron out their differences.

In my opinion this is the final test of whether government is to function or whether minority groups, highly organized, are to dictate the type of legislation that we shall have. If there were no other reason for the passage of this legislation, I should assuredly support it.

In his address to this body the distinguished Senator from Oregon [Mr. MORSE], whom I hold in high esteem, asserted that if the bill should prove to be unworkable or have inequities and injustices in it, we could not excuse ourselves by saying that we would vote for it nevertheless. I would agree with him, but when I recall that for 12 years, whatever the merits of the proposal, the Senate Committee on Labor and Education held a stranglehold upon the throat of the American people and would not permit legislation to come before this body, then I must wholly reject the logic of the distinguished Senator from Oregon, which otherwise would be impeccable. This is the only chance that we shall have, but it is a magnificent chance for the American people. I speak not in anger or hostility toward the workers. I speak as one who voted for the original Wagner Act in the firm belief at that time that if inequities did appear and inequalities did exist, we could correct them as a legislative body. I have seen the hands of the legislative body tied. I have seen the legislative body of this Nation helpless in the face of organized minorities operating from outside.

So, Mr. President, I shall be compelled, much as I regret to do so, to vote to override the President's veto of this bill.

Mr. TAFT. Mr. President, it is now approximately 6 months since this Congress returned to Washington to consider the task which lay before it. Regardless of the issues in the election, there was unquestionably a demand at that time, as there is now, for labor legislation, for a reform of the abuses which had become apparent to the American people. They had been deluged with a series of strikes. They had been deluged with strikes ordered for men who did not desire the strikes. They had been deluged with strikes against companies which had settled all difference with their own men. They had been deluged with strikes in violation of existing collective-bargaining agreements. They knew of mass picketing. They knew that in those strikes men had been excluded from their own plants by force and violence. They knew that the men in the unions themselves had been arbitrarily treated by the leaders, and that unless they chose to please the leaders they lost their jobs. They were fired from the union and lost their jobs with the company, and in many cases they found it impossible to continue their own trade. They knew of feather-bedding practices. They knew the limitation on apprentices, so that men could not be obtained for necessary work. They knew of the limitation on the freedom of employers, and they knew of the many unjust provisions of the Wagner Act as administered by the National Labor Relations Board.

There was a demand that we act. I deny completely that there has been politics in the drafting of this legislation. It was participated in by all. Certainly, I felt that with the public demand for reform in this particular field the Republican Party, which happened to have control of the Congress, would be held to be delinquent if it failed to propose a reasonable labor-reform measure. To that extent, if that is politics, the bill is politics.

We went to work. Many bills were introduced. The committee held hearings and heard from labor leaders, from industrialists, from experts—it gave everyone a chance to be heard, until we were criticized for delaying the matter. There was nothing hurried in the development of the legislation.

Finally the committee produced a bill which 11 out of the 13 members of the committee supported when it came to the floor of the Senate. It was amended on the floor. There was an overwhelming vote in favor of some of the amendments. Other amendments were rejected. The bill went to conference, and in conference various provisions of the House bill were accepted. But, Mr. President, after 6 months' consideration, after a thorough debate on the floor of the Senate, after a thorough debate in conference, and another debate on the floor of the Senate on the conference report, the bill was agreed to and sent to the President of the United States.

Last Tuesday the President held a press conference in which he said:

> I do not know that there will be a labor veto. I have not made up my mind. I still have to study it.

The President replied to another question that he might act before Friday, but explained that he had not as yet read the bill in the form in which it passed both Houses of Congress. He said:

> I am going to study it for the next 2 days.

As the result of 2 days' study by the President of the United States, the work of many hundreds of men, the sincere and careful work of several dozen men who have gone into the details of this legislation from the beginning to the end has been set aside by the veto exercised by the President of the United States. Of course, he has the constitutional right to veto a bill, but it seems to me it is a case in which he might well have withheld the actual exercise of that right. To my good Democratic friends and Republicans who believe in Thomas Jefferson, let me say that Thomas Jefferson never vetoed a bill presented to him by Congress. He felt that that right should be exercised only in a time of the greatest emergency, and he questioned whether it should be exercised at all.

Mr. President, we have drafted this bill and it is based on the theory of the Wagner Act, if you please. It is based on the theory that the solution of the labor problem in the United States is free, collective bargaining—a contract between one employer and all of his men acting as one man. That is the theory of the Wagner Act, that they shall be free to make the contract they wish to make.

Many people have felt that the Government should come in certain cases and impose compulsory arbitration in the fixing of wages, if the parties cannot agree. Our provision for dealing with Nation-wide strikes has been criticized.

After 60 days, if they still want to vote for a strike, we have not forbidden it, because we believe that the right to strike for hours, wages, and working conditions in the ultimate analysis is essential to the maintenance of freedom in the United States. We have rejected every effort to impose upon any men any wages, hours, or working conditions to which they, through their representatives, do not agree.

We have been criticized on the ground that for that reason the bill is too weak. I do not think so. I think that if the Government is going to fix wages it will fix prices and the entire economy. I think our freedom depends upon maintaining the free right to strike. It can be limited. Surely it is not too much to ask men to maintain the status quo for 60 days rather than endanger the safety and health of the Nation. But in the last analysis, if it becomes a political strike, then the Government will have to act through some special emergency legislation for that particular case, as was done in connection with the general strike in England. We have based it upon free collective bargaining and have not modified that right in any material respect.

We have tried to deal with abuses. We tried to get testimony as to just what is wrong in this field, and there is testimony on the record as to each of the things which we have tried to correct.

We have tried to correct secondary boycotts and jurisdictional strikes. The truth is that originally, before the passage of any of the laws dealing with labor, the employer had all the advantage. He had the employees at his mercy, and he could practically in most cases dictate the terms which he wished to impose. Congress passed the Clayton Act, the Norris-LaGuardia Act, and the Wagner Act. The latter act was interpreted by a completely prejudiced board in such a way that it went far beyond the original intention of Congress, until we reached a point where the balance had shifted over to the other side, where the labor leaders had every advantage in collective bargaining and were relieved from any liability in breaking the contract after they had made the bargain. That was a condition under which strikes actually were encouraged and protected, no matter what the purpose or the character of the particular strike.

All we have tried to do is to swing that balance back, not too far, to a point where the parties can deal equally with each other and where they have approximately equal power. I think the largest companies today can deal with their employees throughout the Nation, but the smaller companies are practically at the mercy of the labor-union bosses. Whatever they have insisted upon in the last 4 or 5 years the employers have practically had to give to them. We want to get the situation back to the point where it is fair. If a man does have the power to enforce and obtain an unreasonable demand, he is much less likely to make an unreasonable demand. Strikes have largely been brought about by unreasonable demands to which the employer finally felt he could not possibly yield and at the same time maintain the integrity and independence of his business.

This is a perfectly reasonable bill in every respect. If we are to have free collective bargaining it must be between two responsible parties. Some of the provisions of this bill deal with the question of making the unions responsible. There is no reason in the world why a union should not have the same responsibility that a corporation has which is engaged in business. So we have provided that a union may be sued as if it were a corporation. We have provided that the union must file statements as corporations have had to file them, setting up their methods of doing business and making financial reports to the members and to the Secretary of Labor. That sort of reform actually strengthens the members in their collective bargaining. There will be no free collective bargaining until both sides are equally responsible.

We have set up a Mediation Service. We took it out of the Department of Labor because it was felt, rightly or wrongly, that as long as it was an agency of the Department of Labor it must necessarily take a prolabor slant and therefore could not be as fair in mediating differences between the parties. Then we outlawed secondary boycotts and jurisdictional strikes. There was no testimony in the record anywhere to the effect that secondary boycotts and jurisdictional strikes were justified. We asked the President's representatives as to what kind of secondary boycotts were justified, but we never got a satisfactory answer.

In this bill we prohibit secondary boycotts all over this country. There have been secondary boycotts in which a union has said, "We will not handle the goods of manufacturer X because we do not like the men who make his particular goods"; and in many cases where a manufacturer had a union certified to him—perhaps a CIO union—an AFL union has boycotted it, or vice versa. All over the country such things have occurred; and I know that in my own State, small manufacturers have absolutely been driven out of their business and have been destroyed by unions far off from their concern, unions in which they had no interest whatsoever. Yet the strikes have dragged on. We have tried to prohibit secondary boycotts, and we give the Board the power to decide the controversies.

Here and elsewhere the union leaders have said, "Yes; these are abuses, but leave them to us. We will get together; we will settle these abuses." But never at any time have they suggested legislation.

I say to the Senate that this bill could have been only one-half as strong as it is, if we please to call it strong, and yet there would be exactly the same opposition from every labor leader and we would have exactly the same propaganda that is going out today against this bill. Mr. President, it is not against the provisions of this bill. They try to pick out little things here and there and try to exaggerate their importance. Mr. President, it is not the provisions of this bill that they are concerned about; it is any legislation that would in any way reduce the power of the labor leaders. They have opposed it for 10 years.

I was quoted, perhaps, by the Senator from Wyoming, earlier today, as saying that if this bill does not pass, there will be no legislation. That was not an ultimatum from me; that was a conclusion by the labor leaders, and from the President's own message.

The President did not find one thing to approve in this measure. He has criticized it as he has the Case bill—in every section. Apparently he will veto any bill on the subject.

References have been made to breaking the bill into pieces and enacting the separate pieces. Apparently, if that were done, the President would criticize and would veto every piece.

The President has never yet recognized that there are abuses. There is nothing in his message really recognizing that there are abuses, except a little lip service, "Well, there are some things we should do something about." But the President has failed to point out any specific abuses whatever, and he has failed to point out any legislation to accomplish the desired result. His message mentions elimination of jurisdictional strikes and secondary boycotts, but we never got any real recommendation from him about taking care of those problems.

Mr. President, for the last 10 years we have had bills dealing with labor problems and labor legislation. We have in this body, men who know as much about labor legislation as anyone in the Government of the United States or anyone outside the Government of the United States does; and yet they would appoint another commission. That is the recourse of people who do not want any legislation at all.

So we face here the problem of whether, the Senate and the House of Representatives having agreed upon a constructive labor measure, we are going to put that through or whether we are going to say to the labor-union leaders, "No; there is no Congress of the United States, there is no President of the United States, who dares to stand up against your power." Certainly the power they exercise today is a threat to the welfare of the people of the United States.

Certainly the bill is complicated. Why? Because the Wagner Act was complicated; and in order to deal with it, we had to amend every section of the Wagner Act. That is what most of this bill is.

I sat in the hearings on the Wagner Act in 1939, and I can tell the Senate something about the power of the first Board which was set up. Talk about the power of the general counsel under this measure. Just think of the power of that first Board, made up of the two Smiths and Madden—people who regarded themselves as crusaders to put a CIO union, if you please, in every plant in the United States. That was their effort. There was no pretense of fairness or justice. I have never known of any other case in the United States

where there were such outrages or such injustices as those which were perpetrated by that Board.

The Board has gradually improved, and today we have somewhat a separation of powers. But at that time the Board was both the judge and the jury. True, the powers against labor unions which they had were not as great as the powers provided in this bill, because the powers that Board had were all against employers. In this bill we have changed that situation, so that now the bill recognizes that there are unfair labor practices on the part of employees, just as the former bill recognized that there were unfair labor practices on the part of employers. We have tried to balance up the two. We have not made unlawful a single act on the part of employees which was not made unlawful on the part of employers in the original bill. Otherwise we have left those provisions alone and untouched, except perhaps for the provision of freedom of speech. In the United States there is a demand that we restore complete freedom of speech to both sides, and that we have done. Otherwise there is no modification. No employer can beat down a union; no employer can discriminate; no employer can refuse to deal with a union which is duly certified to him.

So, Mr. President, I say that in this bill we have simply tried to equalize the Government's power as against the unions and as against the employers. We have tried to abolish special privileges conferred by preexisting legislation, and we have based this measure on freedom of contract and on free collective bargaining.

Mr. President, I have listened with interest to all the criticisms—the petty criticisms of this and the petty criticisms of that. All that we have done with the Board, as referred to by the Senator from Wyoming, is to make a separation of powers. Under this bill the Board is judicial. It is judicial today. Its counsel will be a prosecutor. He will not have any extraordinary powers—nothing like the power of the Attorney General of the United States, who decides whether criminal actions shall be brought against anyone in the United States. Under this bill, the counsel will have the right to make the decision as between employer and employee; but his decision will be subject to the judicial decision of the Board and, above the Board, the courts; and we have given the courts greater power to look into the decisions of the Board and to provide for the redress of any injustice.

Mr. President, the charges made against this act are wholly unjustified.

I appeal to the Senate of the United States to stand up to the work of the legislative body. This is a case of legislation. It is a case in which the President never should have intervened. It is a case in which the President could well have taken the position that, regardless of whether he liked or did not like the work that had been done, the public desire for equity between employer and employee should prevail, no matter what his personal opinion might be.

Mr. President, I trust that the President's veto will be overriden.

I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, will the Senator withhold that for a moment, to yield to me for one matter?

Mr. TAFT. I yield.

Mr. BARKLEY. Will the Senator yield, so that there may be read at the desk a brief statement from the Senator from New York [Mr. WAGNER], explaining the reason for his inability to be present?

Mr. TAFT. I am glad to do so.

Mr. BARKLEY. Mr. President, I send the statement to the desk and ask that it be read.

The PRESIDENT pro tempore. That can be done by unanimous consent. Without objection, the clerk will read.

The Chief Clerk read as follows:

REASON FOR SENATOR WAGNER'S ABSENCE FROM THE SENATE TODAY

Senator WAGNER, the author of the act which the Taft-Hartley bill will amend, is not able to be present to cast his vote in favor of sustaining the President's veto. Because of his great devotion to the working men and women of this country, and because, in his estimation, this bill will destroy what he has so long labored to develop—industrial peace through democracy—every effort was made and every facility at the disposal of the great city of New York was made available to Senator WAGNER in order to have him present here on the Senate floor today. It was Senator WAGNER'S most ardent hope that the doctors would see fit to let him come. But it was the unanimous and expert decision of his two personal physicians, together with Dr. Edward M. Bernecker, commissioner of hospitals of the city of New York, and Dr. Samuel Frant, of the New York City Health Department, after final and thorough examination this morning, that "he not be permitted to make any trip whatsoever." It is their opinion that if he did so at this moment, it might well prove fatal. Senator WAGNER has a heart ailment, and his blood pressure, most unfortunately, at the moment is at such a level that any strain or excitement would be sufficient to result in his death.

From his sick bed he urges those Senators who are about to override the President's veto to reconsider, for he says—and these are his exact words: "The President would not lie at this crucial moment in history."

Mr. TAFT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. Before the quorum is called, the Chair would like to state that the Senate Chamber is unusually full, both on the floor and in the galleries. The Chair earnestly requests the guests of the Senate to remember that the rules of the Senate prohibit demonstrations of any nature, and it will greatly facilitate the work of the Senate if it is allowed to proceed through this critical vote, and thereafter, if there are no demonstrations.

The Senator from Ohio suggests the absence of a quorum. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Bridges	Cain
Baldwin	Brooks	Capehart
Ball	Buck	Capper
Barkley	Bushfield	Chavez
Brewster	Butler	Connally
Bricker	Byrd	Cooper
Cordon	Kilgore	Pepper
Donnell	Knowland	Reed
Downey	Langer	Revercomb
Dworshak	Lodge	Robertson, Va.
Eastland	Lucas	Robertson, Wyo.
Ecton	McCarran	Russell
Ellender	McCarthy	Saltonstall
Ferguson	McClellan	Smith
Flanders	McFarland	Sparkman
Fulbright	McGrath	Stewart
George	McKellar	Taft
Green	McMahon	Taylor
Gurney	Magnuson	Thomas, Okla.
Hatch	Malone	Thye
Hawkes	Martin	Tobey
Hayden	Maybank	Tydings
Hickenlooper	Millikin	Umstead
Hill	Moore	Vandenberg
Hoey	Morse	Watkins
Holland	Murray	Wherry
Ives	Myers	White
Jenner	O'Conor	Wiley
Johnson, Colo.	O'Daniel	Williams
Johnston, S. C.	O'Mahoney	Wilson
Kem	Overton	Young

The PRESIDENT pro tempore. Ninety-three Senators having answered to their names, a quorum is present.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? As required by the Constitution, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from Utah [Mr. THOMAS] is absent by leave of the Senate, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

If present and voting, the Senator from Utah would vote "nay."

The result was—yeas 68, nays 25, as follows:

YEAS—68

Aiken	Flanders	Overton
Baldwin	Fulbright	Reed
Ball	George	Revercomb
Brewster	Gurney	Robertson, Va.
Bricker	Hatch	Robertson, Wyo.
Bridges	Hawkes	Russell
Brooks	Hickenlooper	Saltonstall
Buck	Hoey	Smith
Bushfield	Holland	Stewart
Butler	Ives	Taft
Byrd	Jenner	Thye
Cain	Kem	Tobey
Capehart	Knowland	Tydings
Capper	Lodge	Umstead
Connally	McCarthy	Vandenberg
Cooper	McClellan	Watkins
Cordon	McKellar	Wherry
Donnell	Martin	White
Dworshak	Maybank	Wiley
Eastland	Millikin	Williams
Ecton	Moore	Wilson
Ellender	O'Conor	Young
Ferguson	O'Daniel	

NAYS—25

Barkley	Langer	Murray
Chavez	Lucas	Myers
Downey	McCarran	O'Mahoney
Green	McFarland	Pepper
Hayden	McGrath	Sparkman
Hill	McMahon	Taylor
Johnson, Colo.	Magnuson	Thomas, Okla.
Johnston, S. C.	Malone	
Kilgore	Morse	

NOT VOTING—2

Thomas, Utah Wagner

The PRESIDENT pro tempore. Two-thirds of the Senate having voted in the affirmative, the bill is passed.

Mr. WHERRY. Mr. President, I move that the Senate reconsider the vote by which the bill was passed over the President's veto.

Mr. TAFT. I move that the motion of the Senator from Nebraska be laid on the table.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Ohio.

The motion was agreed to, and Mr. WHERRY's motion was laid on the table.

LEGISLATIVE PROGRAM

Mr. WHERRY. Mr. President, I wish to announce for the benefit of some Senators who have asked what the business of the Senate would be for the remainder of the afternoon, that, if it is agreeable to the Senate, it is our intention to have a call of the calendar at the conclusion of consideration of the urgent deficiency bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 751. An act to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1948, and for other purposes, and

S. J. Res. 113. Joint resolution authorizing the erection in the District of Columbia of a memorial to the Marine Corps dead of all wars.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 1628. An act relinquishing to the State of Illinois certain right, title, or interest of the United States of America, and for other purposes;

H. R. 1997. An act to provide seniority benefits for certain officers and members of the Metropolitan Police force and of the Fire Department of the District of Columbia who are veterans of World War II and lost opportunity for promotion by reason of their service in the armed forces of the United States; and

H. R. 2545. An act to provide funds for cooperation with the school board of the Moclips-Aloha district for the construction and equipment of a new school building in the town of Moclips, Grays Harbor County, Wash., to be available to both Indian and non-Indian children.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3611) to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIRKSEN, Mr. BATES of Massachusetts, Mr. O'HARA, Mr. MCMILLAN of South Carolina, and Mr. SMITH of Virginia were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3737) to provide revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIRKSEN, Mr. BATES of Massachusetts, Mr. O'HARA, Mr. MCMILLAN of South Carolina, and Mr. SMITH of Virginia were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2369) providing for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WELCH, Mr. CRAWFORD, and Mr. SOMERS were appointed managers on the part of the House at the conference.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ELECTRIC UTILITY DEPRECIATION PRACTICES

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting a copy of the Commission's report entitled "Electric Utility Depreciation Practices," 1945, which, with the accompanying report, was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of the City of Chicago, Ill., favoring the enactment of House bill 2910, to authorize the United States during an emergency period to undertake its fair share in the resettlement of displaced persons in Germany, Austria, and Italy; to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., favoring the enactment of legislation to provide universal military training; to the Committee on Armed Services.

Letters in the nature of petitions from John A. Nelson, of Los Angeles, Calif., and J. T. and Peggy Cowan, of Savanna, Ill., praying that the Senate override the President's veto of the Taft-Hartley labor relations bill; ordered to lie on the table.

Telegrams and a letter in the nature of petitions from the International Brotherhood of Electrical Workers, Local Union 1186, Honolulu, T. H.; Charles Lazzio, president, Dyers Local No. 1733, Paterson, N. J., and D. E. Covis, Columbus, Ohio, praying that the Senate sustain the President's veto of the Taft-Hartley labor relations bill; ordered to lie on the table.

A resolution adopted by the American Newspaper Guild at Sioux City, Iowa, commending Senators BARKLEY and MORSE in their efforts to sustain the President's veto of the labor bill; ordered to lie on the table.

By Mr. CAPPER:

A petition signed by 40 citizens of Manhattan, Kans., praying for the enactment of Senate bill 265, to prohibit the transportation of alcoholic beverage advertising in interstate commerce; to the Committee on Interstate and Foreign Commerce.

A petition signed by 103 citizens of Spokane, Wash., praying for the enactment of Senate Joint Resolution 76, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WILEY:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Expenditures in the Executive Departments:

"Senate Joint Resolution 51

"Joint resolution memorializing the Congress of the United States to halt all disposal of war surplus goods

"Whereas after World War I a scandal resulted from the corrupt manner in which the sale of surplus war goods was handled and futile investigations did nothing more than to serve as a warning against future recurrences of the same sort of scandal; and

"Whereas there is ample evidence at the present time of inefficiency, favoritism, dishonesty, graft, and corruption in the methods being employed in the disposal of war surplus goods; and

"Whereas the misuse of privities, unscrupulous dealings, and various other types of favoritism as well as the misuse of veterans' privileges in the disposal of war surplus goods is adversely affecting the rights of the honest veteran seeking to avail himself of his priorities in acquiring surplus goods; and

"Whereas in many instances unused but useable materials are being dishonestly disposed of as junk or scrap to favored buyers; and

"Whereas an improved system for the disposal of war surplus goods must be immediately developed if a major scandal is to be averted: Now, therefore, be it

"*Resolved by the senate (the assembly concurring)*, That the Congress of the United States is respectfully requested to provide by law for an immediate stoppage of all disposal of World War II surplus material until a new and adequate system of disposal can be worked out; and be it further

"*Resolved*, That Congress is respectfully requested to thoroughly investigate the present system of war surplus disposal and take steps to see that present corruption in the disposal of such goods is brought to light; and be it further

"*Resolved*, That duly attested copies of this resolution be immediately transmitted to the clerks of both Houses of the Congress of the United States and to each Member of the Congress from this State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SALTONSTALL, from the Committee on Appropriations:

H. R. 3493. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1948, and for other purposes; with amendments (Rept. No. 338).

By Mr. WILEY, from the Committee on the Judiciary:

H. R. 1585. A bill for the relief of Adolph Pfannenstiehl; with an amendment (Rept. No. 341);

H. R. 1956. A bill for the relief of Hugh C. Gilliam; with an amendment (Rept. No. 342); and

S. J. Res. 123. Joint resolution declaring that in interpreting certain acts of Congress, joint resolutions, and proclamations World War II, the limited emergency, and the unlimited emergency shall be construed as terminated and peace established; with amendments (Rept. No. 339).

By Mr. COOPER, from the Committee on the Judiciary:

S. 1461. A bill to extend certain powers of the President under title III of the Second War Powers Act; with amendments (Rept. No. 340).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN:

S. 1491. A bill to amend the Social Security Act with respect to State plans for aid to the blind; to the Committee on Finance.

By Mr. LANGER:

S. 1492. A bill to amend the Social Security Act so as to provide unemployment compensation for Federal employees; to provide benefits for Federal employees involuntarily separated from employment; and for other purposes;

S. 1493. A bill to amend section 19 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387), and for other purposes; and

S. 1494. A bill to amend section 14 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387); to the Committee on Civil Service.

S. 1495. A bill to amend section 346 of the Nationality Act of 1940, as amended, so as to permit the making of copies by Government agencies of certain immigration and naturalization papers; to the Committee on the Judiciary.

S. 1496. A bill relating to training on the job for veterans who are lawyers; to the Committee on Labor and Public Welfare.

PRESIDENTIAL SUCCESSION—AMENDMENTS

Mr. RUSSELL and Mr. McCLELLAN each submitted amendments intended to be proposed by them, respectively, to the bill (S. 564) to provide for the performance of the duties of the office of President in case of the removal, resignation, or inability both of the President and Vice President, which were severally ordered to lie on the table and to be printed.

Mr. McMAHON submitted an amendment in the nature of a substitute intended to be proposed by him to Senate bill 564, supra, which was ordered to lie on the table and to be printed.

DAVID I. WALSH—TRIBUTE BY WILLIAM H. McMASTERS

[Mr. LANGER asked and obtained leave to have printed in the RECORD a tribute to David I. Walsh, by William H. McMasters, of Belmont, Mass., which appears in the Appendix.]

EXCERPT FROM A SPEECH BY SENATOR BREWSTER ON AMERICAN HELP TO OTHER NATIONS

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an excerpt from a speech on the subject of American help to other nations, delivered by Senator BREWSTER on June 14, 1947, at Flag Day exercises in Philadelphia, which appears in the Appendix.]

IMPORTANCE AND ATTRACTIVENESS OF THE TEACHING PROFESSION—ARTICLE BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "So You Don't Want To Be a Teacher" written by him, and published in the June 21, 1947, issue of the magazine Forward—For Young People, which appears in the Appendix.]

AMERICA'S NEW ROLE IN WORLD LEADERSHIP—SPEECH BY SENATOR THYE

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD a speech entitled "America's New Role in World Leadership," delivered by Senator THYE at the commencement exercises at Carroll College, Waukesha, Wis., on June 9, 1947, which appears in the Appendix.]

FLOOD CONTROL—STATEMENT BY SENATOR MYERS BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE

[Mr. MYERS asked and obtained leave to have printed in the RECORD a statement made by him before the House of Representatives Appropriations Subcommittee considering flood control and rivers and harbors items in the Army civil functions appropriation bill for the fiscal year beginning July 1, 1947, which appears in the Appendix.]

STATEMENT BY SENATOR MAGNUSON BEFORE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE APPROPRIATION BILL, 1948

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a statement by himself to be made before the Senate Appropriations Subcommittee on the Department of Agriculture appropriation bill, 1948, which appears in the Appendix.]

SPEECH BY SENATOR PEPPER IN SUPPORT OF THE PRESIDENT'S VETO OF THE LABOR BILL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a radio speech delivered by him on June 22, 1947, in support of the President's veto of the labor bill, which appears in the Appendix.]

HARRY F. SINCLAIR AND THE ANGLO-AMERICAN OIL TREATY—ARTICLE BY HAROLD L. ICKES

[Mr. TAYOR asked and obtained leave to have printed in the RECORD an article by Harold L. Ickes, dealing with Harry F. Sinclair and the pending Anglo-American oil treaty, published in the New York Post of June 20, 1947, which appears in the Appendix.]

SPENDING BY GOVERNMENT DEPARTMENTS—ARTICLE BY HERMAN A. LOWE

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an article dealing with the buying of 1948 supplies with 1947 funds by Government departments, by Herman A. Lowe, published in the Philadelphia Inquirer of June 19, 1947, which appears in the Appendix.]

CONGRESS AND HOUSING—EDITORIAL COMMENT

[Mr. LODGE asked and obtained leave to have printed in the RECORD an editorial entitled "Congressional Failure," published in the Haverhill (Mass.) Gazette of June 2, 1947, and an editorial entitled "Housing—This Session of Congress?" published in the South Boston Gazette of June 13, 1947, which appears in the Appendix.]

PUBLIC POWER IN THE NORTHWEST—EDITORIAL FROM THE SEATTLE STAR

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an editorial entitled "New Attack on Public Power Is Threat to Northwest," published in the Seattle Star of June 13, 1947, which appears in the Appendix.]

AMENDMENT OF PUBLIC HEALTH SERVICE ACT—CHANGE OF REFERENCE

Mr. AIKEN. Mr. President, under date of June 11, 1947, the Social Security Administrator communicated to the President of the Senate a draft of a bill amending the Public Health Service Act. His communication and the draft of the bill were referred to the Committee on Expenditures in the Executive Departments. That committee has examined the bill and has ascertained that all matters in it naturally come under the jurisdiction of the Committee on Labor and Public Welfare. So I ask unanimous consent that the Committee on Expenditures in the Executive Departments be discharged from the further consideration of the communication and bill and that they be referred to the Committee on Labor and Public Welfare, where they evidently belong.

The PRESIDENT pro tempore. Without objection, the change of reference will be made.

STATEMENT BY COMMITTEE ON THE JUDICIARY DEALING WITH PRESIDENT'S MESSAGE ON PORTAL-TO-PORTAL ACT OF 1947

Mr. DONNELL. Mr. President, on May 14, 1947, the President of the United States signed the Portal-to-Portal Act of 1947. On the same day he sent to the Congress a message with respect to his action on that measure. On the same day it was announced by the temporary Presiding Officer of the Senate that the message would be referred to the Committee on the Judiciary.

Today the Committee on the Judiciary approved a statement with respect to the message from the President. I now present to the Senate, on behalf of that committee, the statement so approved, and ask unanimous consent that it be incorporated at this point in the CONGRESSIONAL RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

ITEM I

This communication is sent you by reason of two portions of that certain message of May 14, 1947, from the President of the United States to the Congress of the United States in which he notified Congress of the fact that he had that day signed H. R. 2157, the Portal-to-Portal Act of 1947.

ITEM II

The first of those two portions of said message is constituted of the first two sentences in the fifth paragraph from the opening of the message which paragraph reads as follows, namely:

"Section 2 of the act relates to existing claims. From my consideration of this section I understand it to be the intent of the Congress to meet the problem raised by portal-to-portal claims, but not to invalidate all other existing claims. The plain language of section 2 of the act preserves minimum wage and overtime compensation claims based upon activities which were compensable in any amount under contract, custom, or practice. Various provisions of the act such as sections 3, 9, and 12, would be rendered absurd or unnecessary under any other interpretation. Moreover a contrary interpretation would raise difficult and grave questions of constitutionality."

In order to recall what existing claims are comprehended within those from which is granted relief by section 2 of the Portal-to-Portal Act of 1947, there are below quoted subsections (a), (b), and (c) of said section 2, as follows, namely:

"(a) No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of this act), on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any activity of an employee engaged in prior to the date of the enactment of this act, except an activity which was compensable by either—

"(1) an express provision of a written or nonwritten contract in effect at the time of such activity between such employee, his agent, or collective-bargaining representative and his employer; or

"(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee was employed covering such activity not inconsistent with a written or nonwritten contract in effect at the time of such activity between such employee, his agent, or collective-bargaining representative and his employer.

"(b) For the purposes of subsection (a), an activity shall be considered as compensable under such contract provision or such custom or practice only when it was engaged in during the portion of the day with respect to which it was so made compensable.

"(c) In the application of the minimum-wage and overtime-compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Bacon-Davis Act, in determining the time for which an employer employed an employee, there shall be counted all that time, but only that time, during which the employee engaged in activities which were compensable within the meaning of subsections (a) and (b) of this section."

If, for illustration, walking engaged in prior to the date of the enactment of the Portal-to-Portal Act of 1947, done in the morning shortly prior to entry on his operation of a lathe by an employee, in going from the entrance of the plant in which he was employed to such lathe, was not compensable by either (1) an express provision of a written or nonwritten contract in effect, at the time of such walking, between such employee, his agent, or collective-bargaining representative and his employer; or (2) a custom or practice in effect, at the time of such walking, at the establishment or other place where such employee was employed, covering such walking, not inconsistent with a written or nonwritten contract, in effect at the time of such walking, between such employee, his agent, or collective-bargaining representative and his employer, there is no liability, and no punishment inflictable, under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of the Portal-to-Portal Act of 1947) on the employer on account of his failure to pay said employee minimum wages, or to pay said employee overtime compensation, for or on account of said walking.

For further illustration, if a woman employed to sew upon garments in a production line did, prior to the date of the enactment of the Portal-to-Portal Act of 1947, for 2 hours per day for a week, after having engaged on each respective day in part of her day's sewing, wait in that production line for garments to reach her and neither (1) by an express provision of a written or nonwritten contract in effect, at the time of said waiting, between her, her agent, or collective-bargaining representative and her employer, nor (2) by a custom or practice in effect, at the time of said waiting, at the establishment or other place where she was employed, covering such waiting, not inconsistent with a written or nonwritten contract, in effect at the time of such waiting, between her, her agent, or collective-bargaining representative and her employer, was said waiting compensable, there is no liability, and no punishment inflictable, under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of the Portal-to-Portal Act of 1947), on her employer on account of his failure to pay her minimum wages, or to pay her overtime compensation, for or on account of said waiting.

Attention is called to the following quoted paragraph which is set forth in the course of the statement of the managers on the part of the House contained in House of Representatives Report No. 326, Eightieth Congress, first session, namely:

"The conference agreement (sec. 2 (b)) contains a provision not stated expressly in either bill, that an activity shall be considered as compensable under the above referred to contract provision or custom or practice only when it was engaged in during the portion of the day with respect to which it was so made compensable. Under this provision, for example, if under the contract provision or custom or practice an activity was compensable only when engaged in between 8 and 5 o'clock but was not compensable when engaged in before 8 or after 5 o'clock, it will not be considered as a compensable activity when engaged in before 8 or after 5 o'clock. So also, if under the contract provision or custom or practice an activity was compensable when engaged in before 8 but was not compensable when engaged in after 5 o'clock, it will not be compensable under the bill as agreed to in conference when engaged in after 5 o'clock. So also, if under the contract provision or custom or practice an activity was compensable during a certain portion of the regular workday but was not compensable when engaged in during other hours of the regular workday, it will not be compensable under the bill as agreed to in conference when engaged in during such other hours."

ITEM III

The second of those two portions, which are mentioned hereinabove in item I, of said message from the President of the United States reads as follows, namely:

"I wish also to refer to the so-called 'good faith' provisions of sections 9 and 10 of the act. It has been said that they make such employer his own judge of whether or not he has been guilty of a violation. It seems to me that this view fails to take into account the safeguards which are contained in these sections. The employer must meet an objective test of actual conformity with an administrative ruling or policy. If the employer avails himself of the defense under these sections, he must bear the burden of proof. He must show that there was affirmative action by an administrative agency and that he relied upon and conformed with such action. He must show further that he acted in good faith in relying upon that administrative action."

The above-quoted sentence which reads "He must show that there was affirmative action by an administrative agency and that he relied upon and conformed with such action" is not correct. The incorrectness of said sentence follows from the fact that an administrative practice or enforcement policy of an agency does not necessarily consist of affirmative action.

Such administrative practice or enforcement policy may consist solely of the absence of action, by an agency, provided such administrative practice or enforcement policy, consisting solely of such absence of action, is with respect to a class of employers and is such that an act or omission mentioned in section 9 or section 10 of the Portal-to-Portal Act of 1947 could be in good faith in conformity with and in reliance on such practice or policy. For illustration such administrative practice or enforcement policy may consist solely of the absence of action, by an agency, to treat a specific class of employers as subject to the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act, provided such administrative practice or enforcement policy, consisting solely of such absence of action, is such that an act or omission mentioned in section 9 or section 10 of the Portal-to-Portal Act of 1947 could be in good faith in conformity with and in reliance on such practice or policy. Attention is called to the following quoted paragraph which is set forth in the course of the above-mentioned statement of the managers on the part of the House, namely.

"It should be noted that under both sections 9 and 10 an employer will be relieved from liability, in an action by an employee, because of reliance in good faith on an administrative practice or enforcement policy, only: (1) where such practice or policy was based on the ground that an act or omission was not a violation of the act, or (2) where a practice or policy of not enforcing the act with respect to acts or omissions led the employer to believe in good faith that such acts or omissions were not violations of the act."

FLASH FLOOD ON MEDICINE CREEK, NEBR.

Mr. BUTLER. Mr. President, I regret the necessity of having to take a few minutes of the time of the Senate when I know that the Senate is anxious to give consideration to other measures, but death and flood have struck again in the State of Nebraska. This time it happens to be in my old home town of Cambridge. At least 13 are dead.

This disaster struck at the very same point where a little over 12 years ago in May 1935, 112 lives were lost in the Republican Valley from a similar flash flood. Ever since that time, all of our representatives here, including former Senator Norris, have worked themselves to the limit to get construction started on flood-control dams and other structures to prevent a similar occurrence.

I will say that that work has been authorized for several years. Naturally its getting under way was prevented during the war period.

A few weeks ago, construction was officially begun on the first unit of a general flood-control and irrigation program for the Republican Valley with the dam at Enders on one of the tributaries of the Republican. This particular flash flood, however, came from the Medicine Creek, another tributary which empties into the Republican right at Cambridge. The dam on Medicine Creek, 8 miles up stream from Cambridge, has been authorized for several years, and the survey and design work is completed. According to officials of the Department of the Interior, however, construction of the Medicine Creek Dam cannot be started for over a year unless additional funds—one or two million dollars—are made available promptly for the fiscal 1948 budget. It is my intention to attempt to secure these funds either through the conference report on the general Interior Department supply bill or from the next deficiency bill at this session. I hope to have the cooperation of all Members of the Senate in this attempt. I may say that my colleague the junior Senator from Nebraska [Mr. WHERRY] and the four Members of the House from my State are wholeheartedly with me on this question.

When one reads a list of 13 names of people dead from the old home town, it makes a very different impression than such a list from a town one never heard of. That has been my experience today.

Mr. President, we seem to have been able to find money to relieve distress abroad in all parts of the world. The

generosity of America has become a byword in every nation on the face of the earth. I hope we can find means to be at least as charitable in relieving distress and preventing recurrences of such disasters as we experienced yesterday at Cambridge, Nebr.

The plan that I hope to follow now, Mr. President, will be in connection with the report on the Interior Department appropriation bill, which is due within a few days, to include a clause somewhere in it, if it can be legally and properly done, providing that there be set aside from $1,000,000 to $2,000,000, earmarked for construction work on the Madison Creek Dam, which, as I say, has been authorized for several years. Work on that dam should have been planned for this year. From one to two million dollars is all they can use, probably, this year. The total construction cost will be four or five million dollars. Had the dam been constructed we would have 13 more people living in the town of Cambridge today than we now have. I hope I shall have the cooperation of Members of the Senate when the report on the Interior Department appropriation bill is presented.

I ask unanimous consent to insert in the RECORD at this point in my remarks a newspaper account of the disaster to which I have referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWN INUNDATED—RAIN, WIND, AND FLOOD CLAIM AT LEAST 13 LIVES IN NEBRASKA

CAMBRIDGE, NEBR., June 22.—A 24-hour siege of rain, wind, and flood claimed at least 13 lives in Nebraska today—11 of the victims drowning in a flash flood here.

A wall of water from Medicine Creek swept over this south-central Nebraska town without warning about sun-up, catching many residents in their beds.

Insurance man J. M. Hollingsworth said tonight six bodies had been recovered and that five more persons were known dead, including two unidentified infants living in a cabin camp housing project for veterans.

The number of missing dropped to four as rescue and relief operations continued. Hollingsworth said it was feared the death toll eventually would reach 15.

Water receded rapidly during the day, leaving what the insurance man described as a devastated scene. He estimated the damage at $500,000.

Boats and trucks were used to rescue 196 marooned persons, some of whom had taken refuge in trees and on housetops.

The city water system failed and water was hauled in from nearby towns.

Two motorists drowned 60 miles northeast of Cambridge when their car plunged into a creek after hitting a highway wash-out.

Tornadoes near Loomis and Gothenburg, Nebr., injured at least nine.

Heavy rains moving eastward were general throughout Nebraska. Soil already saturated by previous rains was unable to absorb the downpour and flood conditions were general. Omaha received 3⅓ inches of rain during the afternoon.

With a few exceptions rail travel was virtually paralyzed in eastern and central Nebraska and telephone service was disrupted in the flood-hit areas. Several highways and bridges were washed out.

Holes were chopped in roofs of inundated homes here to free flood survivors, most of whom were taken to the high school auditorium where food and clothing were waiting.

About three-fourths of this town of about 1,000 population was under water, in some places 8 to 10 feet deep, according to L. J. Bible, of McCook, who flew over the area.

Project Engineer H. E. Robinson, of the United States Reclamation Bureau, said damage would run into hundreds of thousands of dollars.

The Second Air Force in Omaha arranged to fly to Cambridge 1,500 units of tetanus injections, 1,300 units of typhoid injections, and 15 Lister bags asked by Red Cross workers

Medicine Creek is a tributary of the Republican River, on which a 1935 flood took more than 200 lives. The Republican was rising only slightly today, Robinson said.

The flash flood here followed several weeks of unusually wet Nebraska weather which already had caused floods leaving heavy damage to farm fields, delayed growth of crops, and numerous highway and railroad washouts.

Mr. WHERRY. Mr. President, the flash flood on Medicine Creek in the Republican River Valley of southwestern Nebraska, which took at least 11 lives and caused uncounted property damage early Sunday morning in the town of Cambridge, is a tragic and forceful example of the penalty we are asked to pay when flood-control and reclamation projects are unduly retarded.

It is small consolation to the families of the dead for me now to stand on the Senate floor and say that the flood could have been avoided. But we must face realities. For at least 10 years there has been a plan on the drafting boards of Army engineers and the Bureau of Reclamation for a modest multiple-purpose reservoir upstream on Medicine Creek which would have halted this flood and rendered it harmless. The reservoir would have done more than that. It would have captured the water which wreaked havoc on the little town of Cambridge and impounded it for use as a benefit to reclamation crops later in the dry seasons of July and August.

I am taking the floor today to supplement the remarks of my colleague, the senior Senator from Nebraska, whose own farm home was in the path of the flood.

I merely want to call attention of the Senate to the fact that under the Pick-Sloan plan which it approved in 1944, the hazard of flash floods on Medicine Creek was recognized. At that time it was agreed the responsibility for eventual construction of the Medicine Creek Reservoir would be assumed by the Bureau of Reclamation. Plans have proceeded to the point where engineering studies and field investigations have been completed. The engineering design is practically finished, and I am informed that it could be ready for contract lettings within a very few weeks.

I am advised today by Reclamation Bureau officials that their program now calls for actual construction funds to be requested for the first time in the fiscal year 1949. Total current cost estimates amount to $4,918,500, with an estimated requirement for the first year's construction of $1,095,000.

Were this the first time that tragedy had struck in the form of flash floods in the Republican Valley, it might be considered an exception in which a year's delay is not too important. But flash floods have struck and struck again against these prosperous communities.

I am asking the Senate's consideration for the advancement of the Medicine Reservoir so that it might be included in the 1948 construction program of the Bureau of Reclamation. I believe this can be accomplished in the conference on the Interior Department bill which I submitted on the Senate floor a week ago, and which the Senate was gracious enough to adopt unanimously in the form in which our Appropriations Committee recommended it.

The best possible solution would lie in the approval of Congress for an additional $1,095,000 for the current Interior Department appropriations. However, since under conference procedure, sums approved by the two Houses may not be exceeded by conferees, it will probably follow that out of unearmarked funds the Bureau will be obliged to find this necessary sum. It is our earnest hope that no other deserving project will be materially curtailed because of this emergency. But I am sure that people whose lives are not at stake would not begrudge us this emergency action if it becomes our only choice.

CONVENTIONS, RECOMMENDATIONS, AND RESOLUTIONS ADOPTED BY THE INTERNATIONAL LABOR CONFERENCE—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive R, convention concerning food and catering for crews on board ship; Executive S, convention concerning the certification of ships' cooks; Executive T, convention concerning social security for seafarers; Executive U, recommendation concerning agreements relating to the social security of seafarers; Executive V, recommendation concerning medical care for seafarers' dependents; Executive W, convention concerning seafarers' pensions; Executive X, convention concerning vacation holidays with pay for seafarers; Executive Y, convention concerning the medical examination of seafarers; Executive Z, convention concerning the certification of able seamen; Executive AA, recommendation concerning the organization of training for sea service; Executive BB, convention concerning crew accommodation on board ship; Executive CC, recommendation concerning the provision to crews by shipowners of bedding, mess utensils and other articles; and Executive DD, convention concerning wages, hours of work on board ship and manning, all of the Eightieth Congress, first session. These conventions and recommendations were formulated at the twenty-eighth (maritime) session of the International Labor Conference, held at Seattle, Wash., June 6 to 29, 1946. Without objection, the message from the President will be printed in the RECORD; and, without objection, the injunction of secrecy will be removed from the conventions and recommendations, and they will be referred to the Committee on Foreign Relations together with the message from the President. The Chair hears no objection.

The message from the President was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

In accordance with the obligations of the Government of the United States of America as a member of the International Labor Organization, I transmit herewith authentic texts of nine conventions and four recommendations formulated at the twenty-eighth (maritime) session of the International Labor Conference, held at Seattle, Wash., June 6 to 29, 1946.

I transmit also the report of the Secretary of State regarding those conventions and recommendations, together with a copy of each of the communications with respect thereto addressed to the Department of State by the Secretary of Labor, the Acting Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Chairman of the United States Maritime Commission, the Federal Security Administrator, and the Assistant Secretary of Agriculture.

I ask that the Senate give its advice and consent, subject to appropriate definitions in certain cases as indicated in the enclosed communications, to ratification of the following conventions:

Convention (No. 68) concerning food and catering for crews on board ship;

Convention (No. 69) concerning the certification of ships' cooks;

Convention (No. 70) concerning social security for seafarers;

Convention (No. 73) concerning the medical examination of seafarers;

Convention (No. 74) concerning the certification of able seamen;

Convention (No. 75) concerning crew accommodation on board ship; and

Convention (No. 76) concerning wages, hours of work on board ship, and manning.

I request advice and consent to ratification of convention (No. 72) concerning vacation holidays with pay for seafarers only in the event that the conditions explained in the accompanying report of the Secretary of State have been met.

In view of certain objections thereto, as explained more fully in the enclosed report and communications, I do not request at this time advice and consent to ratification of convention (No. 71) concerning seafarers' pensions.

The constitution of the International Labor Organization under article 19, paragraph 5, requires that recommendations be brought "before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action." Accordingly, I request consideration of the following recommendations:

Recommendation (No. 75) concerning agreements relating to the social security of seafarers;

Recommendation (No. 76) concerning medical care for seafarers' dependents;

Recommendation (No. 77) concerning the organization of training for sea service; and

Recommendation (No. 78) concerning the provision to crews by shipowners of bedding, mess utensils, and other articles.

Many of the provisions of the enclosed conventions and recommendations fall short of standards already in effect in the American merchant marine. Some of the provisions are disappointing to those who had hoped through these instruments to raise substantially the level of standards in all member countries. It is believed, however, that general acceptance of the instruments by member countries will result in definite progress being made where that progress is most needed. Any such progress will benefit the competitive position of American seafarers and shipowners. At the same time, participation by the United States will necessitate relatively small change in the statutes or regulations of this Government.

Inasmuch as concurrent action by the Senate and House of Representatives would be necessary for the implementation of any of the enclosed conventions or recommendations, I am transmitting to the House of Representatives authentic copies of the conventions and recommendations, together with a copy of this message, a copy of the report by the Secretary of State, and a copy of each of the above-mentioned communications. I call attention particularly to the need for extending the provisions of any implementing legislation to the Territories and insular possessions in accordance with article 35 of the constitution of the International Labor Organization.

(Enclosures: (1) Authentic text of conventions and recommendations; (2) report of Secretary of State; (3) from Secretary of Labor; (4) from Acting Secretary of the Treasury; (5) from the Attorney General; (6) from Secretary of Commerce; (7) from Chairman of United States Maritime Commission; (8) from the Federal Security Administrator; (9) from Assistant Secretary of Agriculture; (10) memorandum from Shipping Division, Department of State.)

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 23, 1947.*

MINE SAFETY CODE—HEARING BEFORE SUBCOMMITTEE

Mr. BUTLER. Mr. President, for the benefit of Senators who may be interested, the Subcommittee on Mines and Mining of the Committeee on Public Lands is in session today and will be in session again tonight. They are meeting now in the room of the Committee on the District of Columbia. At 7:30 tonight they will meet in room 224 in the Senate Office Building, which is the hearing room of the Committee on Public Lands. They are considering the proposal to adopt for a period of 1 year the mine safety code. I know that some Senators from mining States are interested, and they will be welcome to attend.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

SECOND URGENT DEFICIENCY APPROPRIATION BILL, 1947

Mr. BRIDGES. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider House bill 3791, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (H. R. 3791) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes which had been reported from the Committee on Appropriations with amendments.

Mr. BRIDGES. Mr. President, I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the heading "Independent Offices—Federal Security Agency—Office of Vocational Rehabilitation," on page 3, line 22, after the numerals "1948", to insert a colon and the following additional proviso: "*Provided further*, That the amount obligated and expended shall be based on an annual appropriation for the fiscal year 1948 of not to exceed $18,000,000."

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 6, after line 3, to strike out:

SUGAR RATIONING ADMINISTRATION

Salaries and expenses: Not to exceed $215,000 of the $898,000 transferred to the Department of Agriculture pursuant to section 3 (c) of the Sugar Control Extension Act of 1947 for the payment of terminal leave, is hereby merged with and made available for the fiscal year 1947 for the same purposes as other funds transferred to the Department of Agriculture pursuant to the same authority, notwithstanding the provisions to the contrary under the head "Office of Temporary Controls" in the Urgent Deficiency Appropriation Act, 1947.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Animal Industry," on page 7, after line 4, to insert:

Control and eradication of foot-and-mouth disease and rinderpest: For an additional amount, fiscal year 1947, to enable the Secretary of Agriculture to control and eradicate foot-and-mouth disease and rinderpest as authorized by the act of February 28, 1947 (Public Law 8), and the act of May 29, 1884, as amended (7 U. S. C. 391; 21 U. S. C. 111–122), including expenses in accordance with section 2 of said Public Law 8, $1,500,000, to remain available until June 30, 1948.

Mr. BRIDGES. Mr. President, in connection with the appropriation of one and a half million dollars for the Bureau of Animal Industry for the control and eradication of foot-and-mouth disease, I should like to make a brief explanation of that item, for the reason that I stated on the floor, in connection

with a previous deficiency bill, that if we included $9,000,000, which we did, for the eradication of foot-and-mouth disease in Mexico, it would carry us until June 30. However, in the light of the widespread character of the disease in Mexico and the necessity for moving with as much speed as possible, we found that unless an additional $1,500,000 were appropriated for use between now and June 30, there would be a very definite lapse in the prosecution of the work. For that reason, contrary to what we stated before, we have inserted an item of $1,500,000 to carry the work through to July 1.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 7, after line 4.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Post Office Department—(out of the Postal Revenues)—Field Service, Post Office Department—Office of the Second Assistant Postmaster General," on page 9, line 18, after the word "which", to strike out "$5,977,000" and insert "$6,097,000"; and in line 21, after the figure "$5,972,000", to insert " 'Post-office inspectors, salaries', $10,000, 'Post-office inspectors, travel and miscellaneous expenses', $10,000, 'Transportation of equipment and supplies', $50,000, 'Operating force for public buildings', $50,000."

The amendment was agreed to.

The next amendment was, under the heading "War Department," on page 11, line 7, after the word "until", to strike out "June 30, 1948" and insert "expended."

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

The funds provided in the preceding paragraph shall be available to an amount not exceeding $250,000 to take all action necessary to prevent erosion at Anaheim Bay, Surfside, Calif.

The amendment was agreed to.

The PRESIDENT pro tempore. That concludes the committee amendments.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill, H. R. 3791, was read the third time and passed.

Mr. BRIDGES. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BRIDGES, Mr. BROOKS, Mr. GURNEY, Mr. BALL, Mr. MCKELLAR, Mr. HAYDEN, and Mr. TYDINGS conferees on the part of the Senate.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

THE CALENDAR

Mr. WHITE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Calendar No. 288.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine?

Mr. RUSSELL. Mr. President, I do not desire to object, but I think we should have a quorum call to notify Senators that we are about to call the calendar.

The PRESIDENT pro tempore. The Senator from Georgia may have heard the Senator from Nebraska [Mr. WHERRY] notify the Senate that there would be a call of the calendar.

Mr. RUSSELL. I did not. If the notification was given at a time when there was a full attendance, I withdraw the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska gave such notification.

Mr. WHERRY. Mr. President, I notified Senators that after the deficiency bill was concluded we would immediately proceed with a call of the calendar.

Mr. RUSSELL. At what time was the notice given?

Mr. WHERRY. Just prior to the consideration of the deficiency bill. Of course, there was some confusion in the Chamber.

Mr. RUSSELL. There was a great deal of confusion in the Chamber. I was present, and I did not hear the announcement. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Murray
Baldwin	Hawkes	Myers
Ball	Hayden	O'Conor
Barkley	Hickenlooper	O'Daniel
Brewster	Hill	O'Mahoney
Bricker	Hoey	Overton
Bridges	Holland	Pepper
Brooks	Ives	Reed
Buck	Jenner	Revercomb
Bushfield	Johnson, Colo.	Robertson, Va.
Butler	Johnston, S. C.	Robertson, Wyo.
Byrd	Kem	Russell
Cain	Kilgore	Saltonstall
Capehart	Knowland	Smith
Capper	Langer	Sparkman
Chavez	Lodge	Stewart
Connally	Lucas	Taft
Cooper	McCarran	Taylor
Cordon	McCarthy	Thomas, Okla.
Donnell	McClellan	Thye
Downey	McFarland	Tobey
Dworshak	McGrath	Tydings
Eastland	McKellar	Umstead
Ecton	McMahon	Vandenberg
Ellender	Magnuson	Watkins
Ferguson	Malone	Wherry
Flanders	Martin	White
Fulbright	Maybank	Wiley
George	Millikin	Williams
Green	Moore	Wilson
Gurney	Morse	Young

The PRESIDENT pro tempore. Ninety-three Senators have answered to their names. A quorum is present.

The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Order No. 288. Is there objection? The Chair hears none, and the order is made.

The clerk will state the first measure on the calendar.

GAME REFUGE IN FRANCIS MARION NATIONAL FOREST, S. C.

The Senate proceeded to consider the bill (S. 616) to authorize the creation of a game refuge in the Francis Marion National Forest in the State of South Carolina, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, on page 1, line 5, after the word "birds" and the comma, to insert "and fish", so as to make the bill read:

Be it enacted, etc., That for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified federally owned areas within the Francis Marion National Forest as game sanctuaries and refuges.

SEC. 2. The Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than 6 months or both.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE TRANSPORTATION OF BLACK BASS AND OTHER GAME FISH

The Senate proceeded to consider the bill (S. 682) to regulate the interstate transportation of black bass and other game fish, and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce with amendments, on page 1, line 9, after the word "carrier", to insert the words "and the term 'game fish' shall mean black bass and such other fish as are defined as game fish by the laws of the State, Territory, or the District of Columbia, in which the fish has been either caught, killed, taken, sold, purchased, or possessed, or from which it was transported"; on page 2, line 12, after the word "transported", to insert "or is contrary to other applicable law"; on page 2, line 18, after the word "transported", to insert "or contrary to other applicable law", so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to regulate the interstate transportation of black bass, and for other purposes," approved May 20, 1926, as amended, is hereby further amended to read as follows:

"That when used in this act, the word 'person' includes company, partnership, corporation, association, and common carrier, and the term 'game fish' shall mean black bass and such other fish as are defined as game fish by the laws of the State, Territory, or the District of Columbia, in which the fish has been either caught, killed, taken, sold, purchased, or possessed, or from which it was transported.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means whatsoever, from any State, Territory, or the District of Columbia, to or through an. other State, Territory, or the District of Columbia, or to or through any foreign country, any black bass or other game fish, if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass or other game fish is or is to be transported, or is contrary to other applicable law, or (2) such black bass or other game fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported or contrary to other applicable law; and no person shall knowingly purchase or receive any such black bas· or otLer game fish which has been transported in violation of the provisions of this Act; nor shall any person receiving any shipment of black bass or other game fish transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such game fish transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Game Fish,' an accurate statement of the number of each species of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC 4. All such black bass or other game fish transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of the Interior is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

"SEC. 6. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrants or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made in pursuance thereof; and (3) shall have authority with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act, or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this act, be forfeited by such court to the United States, upon conviction of the offender under this act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this act or regulations made pursuant thereto.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not exceeding $200, or imprisonment for a term of not more than 3 months, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 8. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to black bass and other game fish.

"SEC. 9. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

PERMANENT EASEMENT TO MAYOR AND CITY COUNCIL OF BALTIMORE, MD.

The bill (H. R. 2654) to authorize the Secretary of the Treasury to grant to the Mayor and City Council of Baltimore, State of Maryland, a permanent easement for the purpose of installing, maintaining, and servicing a subterranean water main in, on, and across the land of the United States Coast Guard station, called "Lazaretto Depot," Baltimore, Md., was considered, ordered to a third reading, read the third time, and passed.

PRESERVATION OF HISTORIC GRAVEYARDS IN ABANDONED MILITARY POSTS

The bill (H. R. 577), to preserve historic graveyards in abandoned military posts, was considered, ordered to a third reading, read the third time, and passed.

PATENTING OF CERTAIN LANDS IN CLALLAM COUNTY, WASH., FOR HOSPITAL PURPOSES

The bill (H. R. 2411) to authorize patenting of certain lands to public hospital district No. 2, Clallam County, Wash., for hospital purposes, was considered, ordered to a third reading, read the third time, and passed.

EASEMENT ACROSS THE LAND OF FORT McHENRY NATIONAL MONUMENT

The bill (H. R. 2655) to authorize the Secretary of the Interior to grant to the Mayor and City Council of Baltimore, State of Maryland, a permanent easement for the purpose of installing, maintaining, and servicing two subterranean water mains in, on, and across the land of Fort McHenry National Monument and Historic Shrine, Md., was considered, ordered to a third reading, read the third time, and passed.

AGREEMENTS WITH RESPECT TO RIGHTS IN HELIUM-BEARING GAS LANDS IN THE NAVAJO INDIAN RESERVATION, N. MEX.

The bill (S. 1315) authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, N. Mex., and for other purposes, was announced as the next in order.

Mr. LANGER. Mr. President, I should like to ask whoever is sponsoring the bill if the Indians' rights are protected and if they get their money before this is done. It involves an Indian reservation, and I want to know whether the Indians will receive their money.

Mr. HATCH. Mr. President, I might make a brief explanation. The question which the Senator has asked is one which has given all of us considerable difficulty, and we have not been able to determine exactly how to formulate a bill, or whether this bill safely protects the Indians in getting a reasonable value for the land. However, we have added an amendment which gives the Indians 3 years' time in which to assert whatever rights they may have and bring suit in the court of claims. We think we have protected the Indians in that way.

The PRESIDENT pro tempore. House bill 3372, the next order of business, is on the same subject covered by Senate bill 1315. Is there objection to the consideration of the House bill?

Mr. HATCH. Mr. President, do I understand that the House bill may be amended in accordance with the Senate committee amendment?

The PRESIDENT pro tempore. The Chair is informed the House bill contains the language of the Senate committee amendment.

Mr. HATCH. And the House bill will be taken up?

The PRESIDENT pro tempore. Without objection. Is there objection?

There being no objection, the bill (H. R. 3372) authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, N. Mex., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 1315 is indefinitely postponed.

DETERMINATION OF FAIR MARKET VALUE OF THE FIDELITY BUILDING IN KANSAS CITY, MO.

The Senate proceeded to consider the bill (S. 1231) authorizing and directing the Commissioner of Public Buildings to determine the fair market value of the Fidelity Building in Kansas City, Mo., and to receive bids for the purchase thereof, and for other purposes, which had been reported by the Committee on Public Works, with amendments, on page 2, line 6, before the word "employ", to strike out "shall" and insert "may;" on page 2, line 11, after the word "city" and the period, to insert "Funds continued available under the provisions of section 1 (a) of Public Law 413, Seventy-ninth Congress, approved June 14, 1946,

are hereby made available for the purpose of paying the necessary costs relating to the employment of such appraisers", so as to make the bill read:

Be it enacted, etc., That the Commissioner of Public Buildings is authorized and directed to cause to be determined by appraisal the fair market value of certain real estate in Kansas City, Mo., recently acquired by the United States, which real estate consists of the building known as the Fidelity National Bank and Trust Building and the tract of land on which said building is situated, said real estate being located at the southeast corner of the intersection of Ninth and Walnut Streets in said city. Said fair market value shall be determined, and the amount thereof shall be made a matter of public information, on or before September 1, 1947. For the purpose of making such determination, the Commissioner may employ, without regard to the civil-service laws or the Classification Act of 1923, as amended, three disinterested persons resident in Kansas City, Mo., who have knowledge of the value of real estate in Kansas City and are qualified appraisers of real estate used for industrial or commercial purposes in said city. Funds continued available under the provisions of section 1 (a) of Public Law 413, Seventy-ninth Congress, approved June 14, 1946, are hereby made available for the purpose of paying the necessary costs relating to the employment of such appraisers.

SEC. 2. From and after the date upon which such fair market value is determined as herein provided, and until December 31, 1947, the Commissioner of Public Buildings shall solicit and receive sealed bids for the purchase of said real estate from the United States. Said bids shall not be opened prior to January 1, 1948. On or after January 1, 1948, but in no case later than January 10, 1948, said bids shall be opened and made a matter of public information.

SEC. 3. On or before February 1, 1948, the Commissioner of Public Buildings shall transmit to the Congress a report of the action taken pursuant to this act and the results thereof, attaching to, and making a part of, said report (1) a digest of said appraisal and a statement as to the amount of the fair market value of said real estate as determined thereby, and (2) an abstract of all bids received for the purchase of said real estate, showing as to each bid the name of the bidder or bidders and the amount and terms of the bid. Said report shall serve as the basis for further action by the Congress with respect to the sale of said real estate by the United States.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 829) to provide for control and regulation of bank holding companies and for other purposes was announced as next in order.

Mr. LANGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF WILLIAM D. McCORMICK

The bill (S. 706) for the relief of William D. McCormick was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, and notwithstanding any provisions of section 12 of the Immigration Act of 1924, as amended (43 Stat. 153), William D. McCormick, of Windsor, Ontario, Canada, who is of Scotch ancestry and the husband of Mary Rita McCormick, who has been lawfully admitted to the United States for permanent residence, shall be deemed to have been born in Scotland rather than in India, where his parents were temporary residents at the time the said William D. McCormick was born.

RELIEF OF MRS. HILDA MARGARET McGREW

The bill (S. 305) for the relief of Mrs. Hilda Margaret McGrew was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to cancel forthwith the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156), in the case of Mrs. Hilda Margaret McGrew, any provisions of existing law to the contrary notwithstanding. From and after the date of enactment of this act, Mrs. Hilda Margaret McGrew shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

QUALIFICATIONS OF PART-TIME REFEREES IN BANKRUPTCY

The Senate proceeded to consider the bill (H. R. 3769) to amend the Bankruptcy Act with respect to qualifications of part-time referees in bankruptcy, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 7, after the word "and", to insert the word "retired", and in line 7, after the word "enlisted", to strike out the word "men" and insert "personnel."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JAMES HARRY MARTIN

The bill (H. R. 617) for the relief of James Harry Martin was considered, ordered to a third reading, read the third time, and passed.

ALLEN T. FEAMSTER, JR.

The bill (H. R. 381) for the relief of Allen T. Feamster, Jr., was considered, ordered to a third reading, read the third time, and passed.

MRS. FREDERICK FABER WESCHE

The bill (H. R. 2915) for the relief of Mrs. Frederick Faber Wesche (formerly Ann Maureen Bell) was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1070) to provide for the cancellation of the capital stock of the Federal Deposit Insurance Corporation and the refund of moneys received for such stock, and for other purposes, was announced as next in order.

Mr. SALTONSTALL. Mr. President, may we have an explanation?

The PRESIDENT pro tempore. The bill will be passed over, under objection.

Mr. REVERCOMB subsequently said: Mr. President, let me ask to what bill objection was just made, with the result that the bill was passed over?

The PRESIDENT pro tempore. It was Calendar No. 305, Senate bill 1070.

CLAUDE R. HALL AND FLORENCE V. HALL

The bill (H. R. 407) for the relief of Claude R. Hall and Florence V. Hall was considered, ordered to a third reading, read the third time, and passed.

MRS. FUKU KUROKAWA THURN

The bill (H. R. 1318) for the relief of Mrs. Fuku Kurokawa Thurn was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 229) to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif., was announced as next in order.

Mr. MAGNUSON. Let the bill be passed over.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

Mr. GURNEY. Mr. President, will Senator withhold his objection long enough to permit me to make an explanation?

Mr. MAGNUSON. I shall be glad to do so.

Mr. GURNEY. I should like to explain that the Navy presently has an option on land at Monterey, Calif., and the option expires by the 30th of June. Therefore, I hope the Senator from Washington will contact the Senator from Wyoming [Mr. ROBERTSON] prior to the conclusion of the call of the calendar, to see whether it will be possible to satisfy the Senator, so that he will withdraw his objection.

Mr. MAGNUSON. Mr. President, I should like to accommodate both the distinguished Senator from South Dakota and the distinguished Senator from Wyoming, but I have serious objection to this measure. No money is now available for the construction of the school. The purpose of the bill is simply to permit the exercise of an option relating to a summer resort in California. When the Navy is ready to construct a postgraduate school, either in Washington, Oregon, California, or any other place, that will be the time for it to come to Congress and make such a request. There is no emergency about the option. The price of the property will not be any greater next year.

Mr. GURNEY. Mr. President, it is obvious that we cannot handle this matter during the call of the calendar, but I give notice that I shall try to have the bill brought up for consideration at the earliest possible opportunity in the future.

ORDER FOR FINAL VOTE ON PRESIDENTIAL SUCCESSION BILL

Mr. WHERRY. Mr. President, I ask unanimous consent that the vote on the so-called Presidential succession bill be had at 2 p. m. on Friday.

Mr. BARKLEY. Mr. President, reserving the right to object, let me say that the reason I have chosen Friday as the date for the vote is that a very considerable delegation of Senators will leave here tomorrow to participate in the dedication at Warm Springs, and may not return until sometime Thursday.

The PRESIDENT pro tempore. A quorum call is necessary prior to the entering of such an order.

Mr. WHERRY. Mr. President, a quorum call has been had only in the last few minutes.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the requirement for a quorum call be waived.

The PRESIDENT pro tempore. The Senator is entitled to submit such a request, if he wishes to do so.

The Senator from Kentucky asks unanimous consent that the rule requiring a quorum call before the Senate fixes by unanimous consent a time for the final vote, be waived. Is there objection?

Mr. JOHNSTON of South Carolina. I object.

Mr. DONNELL. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WHERRY. Mr. President, I should like to say for the distinguished minority leader that several Senators on his side of the aisle are interested in leaving the Senate for a very short time on business that is almost official, I would say; and we are trying to cooperate with them so as to secure a final vote on the question of passage of the Presidential succession bill at the hour I have suggested.

I should like to call attention to the fact that we have just completed a quorum call, prior to the beginning of the call of the calendar; and if that quorum call could be regarded as sufficient in this connection, I should appreciate it, for I certainly feel that the Senate is on notice. Because of that fact, I would deeply appreciate it if the Senators who have objected will withdraw their objection, for the benefit of those who are interested in being here on Friday afternoon.

The PRESIDENT pro tempore. The Senator from Nebraska has requested unanimous consent that the rule requiring a quorum call be waived.

Mr. DONNELL. Mr. President, it appears to me that the rule is a very wholesome one, and I believe it desirable to follow it at this time, even though a quorum call has been had only recently. In deciding about the time of the final vote on the question of the passage of a measure, I think the rule is a wholesome one and should be followed. Therefore I object to the unanimous-consent request for the waiving of the rule.

The PRESIDENT pro tempore. Objection is heard.

Mr. WHERRY. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Chavez	Gurney
Baldwin	Connally	Hatch
Ball	Cooper	Hawkes
Barkley	Cordon	Hayden
Brewster	Donnell	Hickenlooper
Bricker	Downey	Hill
Bridges	Dworshak	Hoey
Brooks	Eastland	Holland
Buck	Ecton	Ives
Bushfield	Ellender	Jenner
Butler	Ferguson	Johnson, Colo.
Byrd	Flanders	Johnston, S. C.
Cain	Fulbright	Kem
Capehart	George	Kilgore
Capper	Green	Knowland
Langer	Morse	Stewart
Lodge	Murray	Taft
Lucas	Myers	Taylor
McCarran	O'Conor	Thomas, Okla.
McCarthy	O'Daniel	Thye
McClellan	O'Mahoney	Tobey
McFarland	Overton	Tydings
McGrath	Pepper	Umstead
McKellar	Reed	Vandenberg
McMahon	Revercomb	Watkins
Magnuson	Robertson, Va.	Wherry
Malone	Robertson, Wyo.	White
Martin	Russell	Wiley
Maybank	Saltonstall	Williams
Millikin	Smith	Wilson
Moore	Sparkman	Young

The PRESIDENT pro tempore. Ninety-three Senators having answered to their names, a quorum is present.

The Senator from Nebraska will repeat his unanimous-consent request.

Mr. WHERRY. Mr. President, I renew the unanimous-consent request which was proposed a short time ago, before the quorum call was had, that a vote be taken upon the pending business, the so-called succession bill, and all amendments and motions pertaining thereto, without further debate, at 2 o'clock Friday afternoon; that the time be divided, between the hour of the convening of the Senate at 12 o'clock and 2 o'clock p. m., between the proponents and opponents of the bill, the Senators to control the time to be announced later.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. RUSSELL. Mr. President, reserving the right to object—and, frankly, I shall not object—would the Senator from Nebraska or any other Senator be inconvenienced if the hour were made 3 o'clock? I do not like to object, but unless there is some reason to the contrary, I should like to have the hour of 3 o'clock fixed instead of 2. The Senate will be in session Friday afternoon in any event.

Mr. TAFT. So many Senators like to leave early Friday afternoon that it is very difficult to hold the Senate in session to any late hour on that day.

Mr. RUSSELL. Mr. President, I have an amendment I wish to offer, and I dislike to have amendments taken up and voted on along with the bill. Adequate consideration is never had under such circumstances. But rather than inconvenience any Senator——

Mr. TAFT. I suggest to the Senator that there will be 5 minutes on each side to explain any amendment.

Mr. RUSSELL. I do not know how many amendments will be offered. I know of at least one, the one that I shall propose.

Mr. WHERRY. Mr. President, I should like to comply with the requests of all Senators. It is very difficult to get a unanimous-consent agreement.

Mr. RUSSELL. The Senator from Nebraska has been more successful in extorting unanimous-consent agreements from the Senate than anyone who has been a Member of the Senate in many years.

Mr. WHERRY. I thank the Senator. I should be very much pleased if the Senator would not object, and I will say to the Senator, for whom I have the highest regard, that if there is some way we can work out the consideration of his amendment, or any other amendment, we will have 3 days in which to do it, and we will see if it cannot be accomplished.

Mr. RUSSELL. If the Senator will include the suggestion of the Senator from Ohio, that there shall be 5 minutes on each side to explain any amendment which may be offered I shall not object.

Mr. WHERRY. I do not object to that. In order to get the unanimous-consent agreement, I shall be glad to include that.

The PRESIDENT pro tempore. The Chair thinks the arrangement is generally understood, without repeating the formal request. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the agreement will be reduced to writing for the information of the Senate.

The unanimous-consent agreement was reduced to writing, as follows:

Ordered, That on the calendar day of Friday, June 27, 1947, at the hour of 2 p. m., the Senate proceed to vote upon any amendment or motion that may be pending, or that may subsequently be proposed, to the bill (S. 564) to provide for the performance of the duties of the office of President in case of removal, resignation, or inability both of the President and Vice President, and upon the final passage of the bill itself: *Provided, however*, That no vote on any amendment or motion shall be had prior to the said hour of 2 p. m.

Ordered further, That the time intervening between the meeting of the Senate on said day of June 27 and the said hour of 2 o'clock be equally divided between the proponents and the opponents of the bill, to be controlled, respectively, by the Senator from Nebraska [Mr. WHERRY] and the Senator from Kentucky [Mr. BARKLEY], and that after the said hour of 2 p. m., debate on any amendment or motion shall be limited to 5 minutes on each side, to be controlled by the abovenamed Senators.

APPOINTMENTS FOR SUPPLY DUTY IN THE MARINE CORPS

The Senate proceeded to consider the bill (H. R. 1371) to authorize the Secretary of the Navy to appoint, for supply duty only, officers of the line of the Marine Corps, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, line 4, after the word "permanent" to insert "or temporary", and on page 2, line 8, after the word "permanent", to insert "or temporary", so as to make the bill read:

Be it enacted, etc., That officers of the line of the Marine Corps of the permanent or temporary grades of captain, major, lieutenant colonel, and colonel may, upon application, and with the approval of the Secretary of the Navy, be assigned to supply duty only: *Provided*, That when so assigned they shall retain the lineal position and precedence which they hold at the time of assignment or may later attain and shall be promoted, retired, and discharged in like manner and with the same relative conditions in all respects as on the date of passage of this act, or as thereafter may be provided for other officers of the line of the Marine Corps, except as otherwise provided by law: *Provided further*, That the recommendation of selection boards in the cases of officers assigned to such duty shall be based upon their comparative fitness to perform the duties prescribed for them: *And provided further*, That officers of the permanent or temporary grades of captain, major, lieutenant colonel, and colonel assigned to supply duty only in accordance with this act shall, on assignment and on promotion up to and including the grade of brigadier general, be carried as additional numbers in grade.

SEC. 2. The number of officers so assigned in accordance with this act shall be in accordance with the requirements of the service as determined by the Secretary of the Navy: *Provided*, That all officers of the Marine Corps now assigned to assistant quartermaster duty only and assistant paymaster duty only are hereby assigned to supply duty only, without change in their lineal positions and precedence solely as a result of such change of assignment.

SEC. 3. The head of the Supply Department shall have the title of "Quartermaster General of the Marine Corps" and shall, while so serving, have the rank, pay, and allowances of a major general, and shall be in addition to the number of general officers otherwise provided by law. He shall be carried in the grade or rank from which appointed.

SEC. 4. When a vacancy shall exist in the office of Quartermaster General of the Marine Corps, the President may appoint to such office, by and with the advice and consent of the Senate, an officer of the Marine Corps on the active list assigned to supply duty only of the rank of brigadier general, who shall hold office as such quartermaster general for a period of 4 years, unless sooner relieved.

SEC. 5. In such numbers as may be required to meet the needs of the service officers of the line may be detailed for duty in the Supply Department for a period of 4 years unless sooner relieved.

SEC. 6. The following laws and parts of laws are hereby repealed:

(a) Act of August 29, 1916 (39 Stat. 609; 34 U. S. C. 625). Act of August 29, 1916 (39 Stat 610; 34 U. S. C. 633).

(b) Sections 3, 11, and 14 of the act of May 29, 1934 (48 Stat. 811; 34 U. S. C. 625a, 667c, 667f).

(c) Act of July 28, 1937 (50 Stat. 537; 34 U. S. C. 632a).

(d) Act of March 24, 1944 (58 Stat. 121; 34 U. S. C. 625b).

SEC. 7. All other laws or parts of laws inconsistent with the provisions of this act are hereby amended accordingly.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMPENSATION TO CERTAIN PERSONS UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940

The joint resolution (H. J. Res. 167), to recognize uncompensated services rendered the Nation under the Selective Training and Service Act of 1940, as amended, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

TRANSPORTATION OF DEPENDENTS AND HOUSEHOLD EFFECTS OF CERTAIN SERVICE PERSONNEL

The Senate proceeded to consider the bill (H. R. 1376) to amend the acts of October 14, 1942 (56 Stat. 786), as amended, and November 28, 1943 (57 Stat. 593), as amended, so as to authorize transportation of dependents and household effects of personnel of the Navy, Marine Corps, and Coast Guard to overseas bases.

Mr. LANGER. Mr. President, may we have an explanation of the bill from the distinguished Senator from South Dakota?

Mr. GURNEY. Mr. President, this bill was reported by the Senator from Maryland [Mr. TYDINGS], who is absent from the Chamber at the moment.

Section 12 of the Pay Readjustment Act of 1942 (56 Stat. 359, 365), authorizes payment by the United States of transportation for the dependents of officers, warrant officers, and enlisted men of the first three grades of the armed services when any such officer, warrant officer, or enlisted man is ordered to make a permanent change of station.

Subsequent to the outbreak of war, conditions arose where it was impossible or inadvisable, for security reasons, to permit the dependents of naval and Coast Guard personnel to accompany such personnel to their new stations. These conditions existed in all cases where the personnel in question were ordered overseas or to sea duty. There were also certain stations within the United States where, because of a shortage of quarters, or, occasionally, because of security reasons, dependents were not permitted.

The situation described in the foregoing paragraph was recognized by the Congress in the acts of October 14, 1942 (56 Stat. 786), and November 28, 1943 (57 Stat. 593). These laws provided that in those cases where the dependents in question were not permitted to accompany the personnel concerned, such dependents would be permitted to select any point in the United States, and the United States Government would pay the cost of transportation of such dependents and their household effects, including packing, crating, and unpacking thereof, from the duty station of such military personnel to such point.

Following the termination of hostilities, the Navy Department recognized it as desirable to permit dependents of military personnel stationed at overseas bases to join such personnel overseas. Requests for transportation were issued by the Navy Department and many of the dependents concerned have since been transported to various overseas bases. However, the Comptroller General, after consideration of the language of the acts of October 14, 1942, and November 28, 1943, held that dependents were entitled to transportation from the old duty stations in the United States to the overseas station concerned, less the cost of transportation already furnished from the old duty station to points of selection in the United States.

It is, therefore, now necessary for the Congress to recognize the entire travel performed, or it will be necessary for the Navy Department to collect from the personnel concerned the excess cost of transportation involved. The excess costs arise from the difference in the distance traveled by dependents between the last duty station to the point of embarkation via the point of selection as compared with the lesser cost of travel from the last duty station to the point of embarkation via the most direct route.

The transportation of such dependents to overseas bases is desirable and is an important factor affecting the morale of our occupation forces.

I believe this statement explains the bill.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

UNITED STATES NAVAL POSTGRADUATE SCHOOL

The bill (H. R. 1379) to establish the United States Naval Postgraduate School, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MAGNUSON. Mr. President, reserving the right to object, I ask that the bill to authorize the Secretary of the Navy to construct a postgraduate school at a certain point be passed over. I do not quite understand the legislative reason for both bills being on the calendar, but probably the distinguished Senator from Wyoming could explain. As I understand H. R. 1379, it is merely an authorization to establish the United States Naval Postgraduate School, without reference to where or why or the time.

Mr. ROBERTSON of Wyoming. The Senator is absolutely correct.

Mr. MAGNUSON. With that clear understanding of the purpose of the bill, I have no objection.

The PRESIDENT pro tempore. Is there objection?

Mr. McGRATH. Mr. President, reserving the right to object, I should like to inquire just what the Navy's program is with respect to these postgraduate schools and to what extent they are to replace the existing educational system of the Navy. I have particular reference to the War College at Newport and to the institution at Annapolis.

Mr. ROBERTSON of Wyoming. My understanding is that the bill will not affect the War College at Newport. It will place elsewhere the postgraduate academy located at Annapolis. The committee has already viewed sites on the Pacific coast, and the bill to designate the site at Monterey has been asked to be passed over already by the Senator from Washington.

Mr. McGRATH. Does it entirely replace the institution at Annapolis?

Mr. ROBERTSON of Wyoming. It will eventually entirely replace, not the Naval Academy, but merely the postgraduate college.

Mr. McGRATH. Has the Senator from Maryland been consulted in this matter? I think that in the absence of the Senator from Maryland I shall ask that the bill go over.

Mr. GURNEY. Mr. President, if the Senator will withhold his objection, I should like to say a word on this bill. The senior Senator from Maryland studied the bill and had no objection to it in committee. Furthermore, I may say the bill gives legislative authority for the postgraduate school at Annapolis, or wherever it may be moved. It also establishes professorships, and it establishes also the right to give degrees. The only bill that would transfer the postgradu-

ate school from Annapolis is on the calendar, No. 308, Senate bill 229. I do not believe that House bill 1379 would affect the postgraduate school now at Annapolis. Of course, the testimony before the committee was that the facilities at Annapolis are so crowded by the 4-year-term midshipmen that the Navy feels it almost impossible to keep the postgraduate school going at Annapolis, in view of the expansion the Academy itself has had. Therefore, Calendar 312, House bill 1379, was reported unanimously from the Armed Services Committee.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. MAGNUSON. Mr. President, just one moment. I want it clearly understood that my objection to Senate bill 229, Calendar 308, is not only on the ground that a school is to be established at a certain point, but also because a part of the bill carries authorization to the Secretary of the Navy to exercise an option on what I call a fine summer resort in California.

The PRESIDENT pro tempore. Is there objection to the consideration of H. R. 1379?

Mr. MAGNUSON. I do not object to Calendar 312, House bill 1379.

Mr. McGRATH. Mr. President, until I have an opportunity to find out the full effect of the bill, I shall ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FULBRIGHT subsequently said. Mr. President, I endeavored to obtain recognition on the previous bill. I merely wanted to ask one question of the chairman of the Committee on Armed Services. The question is whether the committee had given consideration to eliminating the undergraduate work, and making the Academy at Annapolis a postgraduate college. I had heard that such consideration was to be given, and I wondered if the committee had studied the matter.

Mr. GURNEY. I did not quite get the first part of the question. As I understand it, House bill 1379 proposes only to set up a postgraduate school as a sort of college inside the Navy. It does not affect the Academy at Annapolis at all.

Mr. FULBRIGHT. My question was, Has the Committee on Armed Services given study to the suggestion I have made? I have seen it set forth in print, and I have heard it discussed, that the undergraduate work in the Academy at Annapolis be restricted; that is, to let the ordinary universities do some of the ordinary college work that is given there. I wondered if the committee had studied that question.

Mr. GURNEY. No; the committee has not put any time on the recommendations of the Board of Visitors, or the subcommittee that considered naval instruction in its entirety last year, with the exception of the bill for the establishment of a postgraduate school elsewhere. That is the only problem in this connection that has been taken up by our committee this year.

Mr. FULBRIGHT. Did the Board of Visitors recommend to the committee that the undergraduate work be restricted, in order to give more time and space to the postgraduate work at Annapolis?

Mr. GURNEY. I cannot answer the question. I am not completely informed on what the Board proposed, but it is possible the Senator from Massachusetts can answer the Senator's question.

The PRESIDENT pro tempore. The bill has gone over. Does the Senator wish to speak?

Mr. FULBRIGHT. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. FULBRIGHT. I asked for recognition when we were discussing the bill.

The PRESIDENT pro tempore. The Senator is entitled to 5 minutes upon any bill at any time.

Mr. FULBRIGHT. I merely wanted to obtain information on this matter.

The PRESIDENT pro tempore. The Senator is entitled to 5 minutes. He has 1 minute left.

Mr. FULBRIGHT. I may obtain the information I want in 1 minute, from the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. I think I am correct in saying that at the Naval Academy about half of the future officers of the Navy will be educated. The other half will be educated at various universities of the country, under the so-called Holloway plan. There is the school proposed in California, which, if it is established, will be a school to which all graduates may ultimately go. At the present time there is a postgraduate school at Annapolis. I think I am correct in that, but I am not certain I am correct in saying that the postgraduate school at Annapolis has never been recognized as a separate entity. The purpose of the bill is to allow the school to give degrees and to have recognition as a separate entity. I am not certain of that, but I believe that is so.

Mr. MAGNUSON. Mr. President, may I have 5 minutes on this bill?

The PRESIDENT pro tempore. The Senator is recognized. I think he has spoken twice on the bill.

Mr. MAGNUSON. I merely wanted to clarify the matter by asking a question of the Senator from Massachusetts.

The PRESIDENT pro tempore. The Senator from Washington is recognized for two clarifying moments.

Mr. MAGNUSON. The question is whether the bill we have been considering, which has been passed over, would merely establish the identity of a postgraduate school. If it stayed at Annapolis, it would still have the identity, and, if I recall correctly, it has never been fully recognized that a postgraduate school exists anywhere, whether it be at Annapolis or at any other place. I might say to the Chair that this is not only a clarifying question, but it is clarifying legislation.

The PRESIDENT pro tempore. The Senator's time has expired.

PROMOTION TO COMMISSIONED WARRANT OFFICERS IN UNITED STATES NAVY

The bill (H. R. 1362) to permit certain naval personnel to count all active service rendered under temporary appointment as warrant or commissioned officers in the United States Navy and the United States Naval Reserve, or in the United States Marine Corps and the United States Marine Corps Reserve, for purposes of promotion to commissioned warrant officer in the United States Navy or the United States Marine Corps, respectively, was considered, ordered to a third reading, read the third time, and passed.

DISTINGUISHED FLYING CROSS TO REAR ADM. CHARLES E. ROSENDAHL, UNITED STATES NAVY

The joint resolution (H. J. Res. 92) authorizing the presentation of the Distinguished Flying Cross to Rear Adm. Charles E. Rosendahl, United States Navy, was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE POSTHUMOUSLY OF COMMISSION AS GENERAL, UNITED STATES MARINE CORPS, TO THE LATE LT. GEN. ROY STANLEY GEIGER

The joint resolution (H. J. Res. 96) authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes, was announced as next in order.

Mr. ROBERTSON of Wyoming. Mr. President, may we temporarily set aside this bill? The Senator from Florida wishes to say a word on it. He has been called from the floor to answer a long-distance call.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ROBERTSON of Wyoming subsequently said: Mr. President, the Senator from Florida [Mr. HOLLAND] has returned to the Chamber. I ask unanimous consent for the present consideration of House Joint Resolution 96, order No. 315, which a moment ago was temporarily passed over until the Senator from Florida could return to the Senate Chamber.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to the consideration of House Joint Resolution 96, authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes.

Mr. HOLLAND. May I ask the distinguished Senator from Wyoming for a brief explanation of the measure?

Mr. ROBERTSON of Wyoming. Mr. President, the purpose of the joint resolution is to promote posthumously the late Lieutenant General Geiger, United States Marine Corps, to the rank of general in the United States Marine Corps.

General Geiger would have been retired on February 1, 1947, but died on January 23, 1947. On his retirement he would have been advanced to the rank of general under section 12 of the act of June 23, 1938, as amended. His 39 years of service have been sufficiently outstanding as to distinguish him among his contemporaries. This resolution will place his name on the records in the rank to which he would have been advanced had he lived a few days longer. There will be no additional cost to the Government by the enactment of this resolution.

The Navy Department strongly recommends passage of this resolution, and its recommendation has been cleared by the Bureau of the Budget.

Mr. HOLLAND. Mr. President, I sincerely appreciate the fact that the distinguished Senator from Wyoming has seen fit to introduce and sponsor this legislation. If I may be allowed to take just a minute of the Senate's time, I want to say that General Geiger is one of the most distinguished military figures ever produced by the State of Florida, and that we are exceedingly proud of him.

Mr. President, in order that there may appear in the RECORD the verdict of his own service, the Navy, of which he was a part—of course, he was a Marine, and a Marine flier—I beg leave at this time to read from the official communication from Rear Adm. O. S. Colclough, of the United States Navy, Judge Advocate General of the Navy, in reply to a request from the chairman of the Committee on Armed Services with reference to this particular joint resolution. The report from Admiral Colclough reads in part, as follows:

General Geiger had an outstanding military record of over 39 years' service and was a qualified naval aviator of over 30 years' experience. During World War I he was awarded the Navy Cross for distinguished service while in command of a Marine Aircraft Squadron in France. In the present war he commanded with outstanding ability the First Marine Aircraft Wing, Fleet Marine Force, until April 1943, and was awarded a gold star in lieu of a second Navy Cross for extraordinary heroism and distinguished service in operations against enemy Japanese forces on Guadalcanal from September to November 1942. From May until October 1943 General Geiger served as Director of Marine Corps Aviation and was then returned to the Pacific to command the First Amphibious Corps, later the Third Amphibious Corps, Fleet Marine Force. For exceptionally meritorious service during operations on Bougainville in November and December 1943, he was awarded the Distinguished Service Medal. For similar services in the Marianas and the capture of Guam in July 1944, he received a gold star in lieu of a second Distinguished Service Medal. General Geiger led his corps into battle in the Okinawa operation beginning in April 1945 as a part of the Tenth Army; and, upon the death in action of Lt. Gen. Simon Bolivar Buckner, assumed command of that army and led it to the successful conclusion of the final land campaign of World War II. In recognition of his outstanding services in this operation, General Geiger was awarded the Army Distinguished Service Medal. From July 1945 to November 1946 he commanded the Fleet Marine Force, Pacific.

At the time of his death on January 23, 1947, General Geiger was awaiting retirement, which would have occurred on February 1, 1947, in accordance with section 9 of the act of February 21, 1946 (60 Stat. 28; 34 U. S. C. 410 (d)), which provides for retirement of any commissioned officer of the Regular Navy or Marine Corps, serving in a rank below that of fleet admiral, who has attained the age of 62 years. Upon retirement he would have been advanced to the rank of general in accordance with section 12 of the act of June 23, 1938, as amended (52 Stat. 949; 54 U. S. C. 404 (1)), which provides in part that "all line officers of the Navy who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, when retired * * * shall * * * be placed upon the retired list with the rank of the next higher grade and with three-fourths of the active-duty pay of the grade in which serving at the time of retirement."

In view of the foregoing, the Navy Department strongly recommended enactment of the joint resolution, Senate Joint Resolution 59.

Mr. President, my State is peculiarly proud of the attainments and the fine record of Gen. Roy Geiger. We are only sorry that he could not have survived a little longer to have received this grateful recognition of his service as tendered by the Navy to which he had rendered service for almost 40 years, which would also be an expression of the gratitude of all the people of the Nation wherever they may live.

I appreciate very greatly the fact that the distinguished Senator from Wyoming has permitted me to make this brief statement.

Mr. ROBERTSON of Wyoming. I am glad to have been of that small service to the Senator from Florida.

Mr. PEPPER. Mr. President, I am exceedingly glad that my distinguished colleague has put into the body of the RECORD the magnificent testimonial to General Geiger from the naval branch, which is attested by the letter of Rear Admiral Colclough.

We of Florida are proud of the record of General Geiger, proud of the distinguished service which he rendered in combat and in leadership in the recent war.

Having known General Geiger, known his record as a citizen, the beautiful life which he enjoyed in Florida, the distinguished and devoted family which he leaves behind, I too, for myself and the admiring citizenry of my State, which feels so attached to him and his memory, want to express appreciation to the Senator from Wyoming, and to the Senate, for making it possible for him to achieve the rank of general, from which he was cut short by death 8 days before he would have reached that rank, in the regular course.

Mr. WILEY. Mr. President, while I am very happy to join with the two distinguished Senators from Florida and other Members of the Senate in honoring the memory of General Geiger, a great general, I wish to say that for 5 years I have sought to obtain the rank of major general for Billy Mitchell, posthumously, which would not cost the Government a penny. Billy Mitchell was not only a great soldier, being the first man to fly over the enemy lines in an airplane in the First World War, but he was a prophet who dared to challenge the "brass hats," which means the closed minds of his generation. Apparently it is for that reason that recognition is still not forthcoming.

I trust that the distinguished Senators from Florida, who have so gloriously recognized the valor of a son of their State, will join me in seeking recognition of a prophet and a great soldier, so that eventually, in the years ahead, recognition will be forthcoming to gallant, farseeing, fighting Billy Mitchell, of Wisconsin.

The PRESIDING OFFICER (Mr. IVES in the chair). The question is on the third reading and passage of the joint resolution.

The joint resolution (H. J. Res. 96) was ordered to a third reading, read the third time, and passed.

EASEMENT TO COUNTY OF PITTSBURG, OKLA.

The bill (H. R. 1807) to authorize the Secretary of the Navy to grant to the county of Pittsburg, Okla., a perpetual easement for the construction, maintenance, and operation of a public highway over a portion of the United States naval ammunition depot, McAlester, Okla., was considered, ordered to a third reading, read the third time, and passed.

ARMY MAIL CLERKS

The bill (H. R. 2339) to amend the act entitled "An act authorizing the designation of Army mail clerks and assistant Army mail clerks," approved August 21, 1941 (55 Stat. 656), and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SAMUEL W. DAVIS, JR.; MRS. SAMUEL W. DAVIS, JR.; AND BETTY JANE DAVIS

The bill (H. R. 1144) for the relief of Samuel W. Davis, Jr.; Mrs. Samuel W. Davis, Jr.; and Betty Jane Davis was considered, ordered to a third reading, read the third time, and passed.

S. C. SPRADLING AND R. T. MORRIS

The bill (H. R. 1067) for the relief of S. C. Spradling and R. T. Morris was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF CLASSIFICATION ACT OF 1923

The bill (S. 490) to provide for the extension and application of the provisions of the Classification Act of 1923, as amended, to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice was announced as next in order.

Mr. SALTONSTALL. Mr. President, may we have an explanation of the bill S. 490?

The PRESIDENT pro tempore. The Senator from Massachusetts requests an explanation of Calendar No. 320, being Senate bill 490. The Chair will recognize the author of the bill, the Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, the bill provides for the extension and application of the provisions of the Classification Act of 1923 to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice. For example, it says:

Immigrant inspectors shall be divided into five classes, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, sal-

ary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following 1 year's satisfactory service.

The bill was studied by the subcommittee of which the Senator from West Virginia [Mr. REVERCOMB] is chairman. I am sure he would say that the whole purpose is, briefly, as I stated, to create classification and provide compensation.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 490) to provide for the extension and application of the provisions of the Classification Act of 1923, as amended, to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the portion of the second paragraph of section 24 of the act of February 5, 1917 (39 Stat. 893; 45 Stat. 954; 8 U. S. C. 109), as amended, reading as follows:

"Immigrant inspectors shall be divided into five classes, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following 1 year's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General) in the next lower grade and to grades 4 and 5 for meritorious service after no less than 1 year's service in grades 3 and 4, respectively: *Provided further,* That"—

is hereby repealed.

SEC. 2. (a) That clause (ix) in subsection 3 (d) of title II of the act of November 26, 1940 (54 Stat. 1214; 5 U. S. C. 681 (d) (ix)), is hereby repealed.

(b) That upon approval of this act, the Attorney General shall adjust the compensation of, and allocate to the services and grades of the Classification Act of 1923 (42 Stat. 1488; 5 U. S. C. 661 and the following), as amended, the positions of inspectors in the Immigration and Naturalization Service heretofore established by that portion of the second paragraph of section 24 of the act of February 5, 1917 (39 Stat. 893; 45 Stat. 954; 8 U. S. C. 109), as amended, which is repealed by the first section of this act. Such adjustment and allocation shall be effected in the same manner as other positions in the field service of the Immigration and Naturalization Service are adjusted and allocated under section 2 of the act of July 3, 1930 (46 Stat. 1003; 5 U. S. C. 678a), as amended.

(c) That nothing in this act shall be construed so as to decrease the existing compensation of any employee of the Immigration and Naturalization Service, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position.

SAMUEL AUGENBLICK

The bill (S. 292) for the relief of Samuel Augenblick was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Samuel Augenblick, age 19 years, who arrived at the port of the city of New York, N. Y., on July 9, 1946, on the steamship *Hobart Victory,* and who is in possession of a transit visa granted him by the American consul in Rome, Italy, to remain in the United States for a period of 2 months and then to depart for Cuba, be permitted to remain in the United States permanently.

BILL PASSED OVER

The bill (S. 18) to establish uniform qualifications of jurors in Federal courts, and for other purposes, was announced as next in order.

Mr. SALTONSTALL. Mr. President, I should like an explanation of the bill. I call this point to the attention of the chairman of the Committee on the Judiciary: The bill, as I understand it, would allow women to serve on Federal juries in a State where they are not allowed to serve on the juries of State courts. If I am correct in that understanding, it does not seem to me it is a good bill.

Mr. WILEY. The bill was introduced by the Senator from Nevada [Mr. MCCARRAN], reported favorably by the subcommittee to the full committee, and reported by the full committee to the Senate. The purpose of the bill is substantially as outlined by the distinguished Senator from Massachusetts. The bill provides that—

Any citizen of the United States of the age of 21 years and over, who, under the provisions of this act, is not disqualified for jury service, may be called to serve as a grand or petit juror in the district court of the United States for the district in which he or she resides.

It is my understanding that the purpose of the bill is to provide that the female sex shall have the same right to serve as jurors as the male sex.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SALTONSTALL. Under those circumstances I respectfully request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

QUARTERS FOR THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

The bill (S. 175) to provide for the furnishing of quarters at Brunswick, Ga., for the United States District Court for the Southern District of Georgia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (g) of section 77 of the Judicial Code, as amended, is hereby amended by striking out the proviso thereof which reads as follows: "*Provided,* That no cost shall be incurred by the Government in furnishing quarters for holding court at Brunswick."

MARY LOMAS

The Senate proceeded to consider the bill (H. R. 1742) for the relief of Mary Lomas, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 5, after the numerals "890", to strike out "54" and insert in lieu thereof "56."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TROY CHARLES DAVIS, JR.

The bill (S. 258) for the relief of Troy Charles Davis, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Troy Charles Davis, Jr., of Denver, Colo., a merchant seaman entitled to medical treatment and hospitalization at Government expense, the sum of $211.32, in full satisfaction of all claims against the United States for reimbursement of medical and hospital expenses incurred by him in connection with an emergency operation which it became necessary for him to have performed in a private hospital in Denver, Colo., because of the lack of a marine hospital in that city: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

FRANKIE STALNAKER

The Senate proceeded to consider the bill (S. 1100) for the relief of Frankie Stalnaker, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "the sum of", to strike out "$4,000" and insert in lieu thereof "$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frankie Stalnaker, of Baltimore, Md., the sum of $2,000, in full satisfaction of her claim against the United States for reimbursement of medical and hospital expenses incurred by her, and for compensation for personal injuries sustained by her on December 7, 1944, in Baltimore, Md., as a result of being struck by a United States Government mail truck.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TEMPORARY EXTENSION OF SUCCESSION AND POWERS OF RECONSTRUCTION FINANCE CORPORATION

The joint resolution (S. J. Res. 135) to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That (a) the first sentence of section 4 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "June 30, 1947" and inserting in lieu thereof "June 30, 1948"; and the first sentence of section 14 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "July 1, 1947" and inserting in lieu thereof "July 1, 1948"; and (b) section 5d of the Reconstruction Finance Corporation Act, as amended; the act approved January 26, 1937 (50 Stat., ch. 6, p. 5), as amended; and the act approved February 11, 1937 (50 Stat., ch. 10, p. 19), as amended,

are hereby further amended by striking out "June 30, 1947" wherever appearing and in each instance inserting in lieu thereof "June 30, 1948."

CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (H. Con. Res. 49) against adoption of Reorganization Plan No. 2 of May 1, 1947, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

PARTICIPATION OF ARMY AND NAVY PERSONNEL IN OLYMPIC GAMES

The bill (H. R. 2276) to authorize the Secretary of War to pay certain expenses incident to training, attendance, and participation of personnel of the Army of the United States in the seventh winter sports Olympic games and the fourteenth Olympic games and for future Olympic games was announced as next in order.

Mr. LANGER. Mr. President, I should like to know how much this bill will cost the Government.

Mr. GURNEY. There is an authorization of $125,000 for the two services.

Mr. LANGER. I object to consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be passed over.

Mr. LANGER subsequently said: Mr. President, after conferring with the Senator from South Dakota [Mr. GURNEY], I wish to withdraw my objection to House bill 2276, Calendar No. 330.

Mr. GURNEY. Mr. President, I have conferred with the Senator from North Dakota [Mr. LANGER], who has now very kindly withdrawn his objection. I hope, therefore, that it may be passed.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War and the Secretary of the Navy are hereby authorized to direct the training and attendance of personnel of the Army of the United States and of the naval service, respectively, as participants in the seventh winter sports Olympic games and the fourteenth Olympic games and future Olympic games: *Provided*, That the Secretary of War is further authorized to direct the training and attendance of animals of the Army of the United States for such games: *Provided further*, That the expenses in amounts not to exceed $75,000 for the Army and $50,000 for the Navy, incident to the training, attendance, and participation in the seventh winter sports Olympic games and the fourteenth Olympic games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War and the Secretary of the Navy, respectively, may be necessary, may be charged to the appropriations for the support of the Army and appropriations for the Navy Department and the naval service, respectively, for the fiscal year 1948 and 1949: *And provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the Secretary of War and the Secretary of the Navy to pay certain expenses incident to training, attendance, and participation of personnel of the Army of the United States and of the naval service, respectively, in the seventh winter sports Olympic games and the fourteenth Olympic games and for future Olympic games."

MANAGEMENT AND OPERATION OF NAVAL PLANTATIONS OUTSIDE THE UNITED STATES

The Senate proceeded to consider the bill (H. R. 1358) to amend the act entitled "An act to provide for the management and operation of naval plantations, outside the continental United States," approved June 28, 1944, which had been reported from the Committee on Armed Services with amendments.

The first amendment of the Committee on Armed Services was, in section 1, on page 1, line 3, after the word "That", to strike out "section 2 of."

The amendment was agreed to.

The next amendment was, on page 1, after line 6, to insert:

SECTION 1. Hereafter the appropriations for the subsistence of Army and Navy personnel, respectively, shall be available for any and all expenditures necessary in the management, operation, maintenance, and improvement of any plantation or farm, on land subject to Army or Navy jurisdiction outside of the continental United States, for the purpose of furnishing fresh fruits and vegetables to the armed forces of the United States: *Provided*, That equipment, material, and supplies required therein may be purchased without regard to section 3709 of the Revised Statutes, and other laws applicable to purchases by governmental agencies: *Provided further*, That only American nationals, employees of the United States, shall be entitled to benefits under the civil-service laws and other laws of the United States relating to the employment, work, compensation, rights, benefits, or obligations of civilian employees of the United States: *Provided further*, That surplus production over the amount furnished, or sold to the armed forces of the United States and to civilians serving with the armed forces may only be sold outside the continental limits of the United States: *And provided further*, That no land shall be acquired under this authorization.

The amendment was agreed to.

The next amendments were, in section 2, on page 2, line 25, after the word "end", to insert "the Secretary of War, with respect to Army affairs, and"; on page 3, line 1, after the word "Navy", to insert "with respect to Navy affairs"; at the beginning of line 7, to strike out "naval or" and insert "Army, Navy, or"; in line 8, after the words "determination of", to insert "the Secretary of War, in regard to Army matters, and"; and in line 10, after "Navy", to insert "in regard to Navy matters."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY LEAVE OF CERTAIN EMPLOYEES OF THE UNITED STATES OR OF THE DISTRICT OF COLUMBIA

The bill (H. R. 1845) to amend existing laws relating to military leave of certain employees of the United States or of the District of Columbia so as to equalize rights to leave of absence and reemployment for such employees who are members of the Enlisted or Officers' Reserve Corps, the National Guard or the Naval Reserve, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CLOTHING ALLOWANCE OF CERTAIN ENLISTED MEN OF THE MARINE CORPS

The Senate proceeded to consider the bill (H. R. 1375) to further amend section 10 of the Pay Readjustment Act of 1942, so as to provide for the clothing allowance of enlisted men of the Marine Corps and Marine Corps Reserve, which had been reported from the Committee on Armed Services with an amendment, on page 1, line 8, after the words "men of the" to insert "Army."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to further amend section 10 of the Pay Readjustment Act of 1942, so as to provide for the clothing allowance of enlisted men of the Army, Marine Corps, and Marine Corps Reserve."

TRANSFER OF CERTAIN PROPERTY TO THE PANAMA CANAL

The bill (H. R. 3629) to authorize the transfer to the Panama Canal of property which is surplus to the needs of the War Department or Navy Department was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO LOUISIANA POWER & LIGHT CO.

The bill (H. R. 2248) to authorize the Secretary of War to grant an easement and to convey to the Louisiana Power & Light Co. a tract of land comprising a portion of Camp Livingston in the State of Louisiana was considered, ordered to a third reading, read the third time, and passed.

ATTENDANCE OF MARINE BAND AT NATIONAL ENCAMPMENT OF GRAND ARMY OF THE REPUBLIC

The bill (H. R. 3124) to authorize the attendance of the Marine Band at the Eighty-first National Encampment of the Grand Army of the Republic to be held in Cleveland, Ohio, August 10 to 14, 1947, was considered, ordered to a third reading, read the third time, and passed.

MAJ. RALPH M. ROWLEY AND FIRST LT. IRVING E. SHEFFEL

The bill (S. 179) for the relief of Maj. Ralph M. Rowley and First Lt. Irving E. Sheffel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Ralph M. Rowley, major, Signal Corps, United States Army, and Irving E. Sheffel, first lieutenant, Finance

Department, United States Army, are hereby relieved of liability for all charges now entered or which may be entered against them, or either of them, as a result of the theft of 429,257 lire ($4,292.57) of Army funds by a person unknown, near Ruvo, Italy, on November 3, 1943, while the said Ralph M. Rowley was acting as class A agent officer for the said Irving E. Sheffel.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Ralph M. Rowley, an amount equal to the total amount deducted from his pay in partial settlement of any such charges: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REV. JOHN C. YOUNG

The bill (S. 880) for the relief of Rev. John C. Young was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Reverend John C. Young, of Montgomery, W. Va., the sum of $3,500, in full satisfaction of his claim against the United States for compensation for personal injuries and loss of earnings sustained by him as a result of having been shot by a member of the military police force of the Army of the United States, in Montgomery, W. Va., on August 11, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COL. WILLIAM J. KENNARD

The bill (S. 957) for the relief of Col. William J. Kennard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Col. William J. Kennard, of Washington, D. C., the sum of $950, in full satisfaction of his claim against the United States for the difference between (1) the amount he was actually allowed as compensation for the value of the personal property which he lost as a result of the invasion of the Philippine Islands by the Japanese in December 1941, and (2) the amount which should have been paid to the said Col. William J. Kennard as compensation for the value of such property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

PATENT IN FEE TO JAMES BLACK DOG

The Senate proceeded to consider the bill (S. 402) to authorize and direct the Secretary of the Interior to issue to James Black Dog a patent in fee to certain land, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 3, after the word "That," to insert "upon application in writing", so as to make the bill read:

Be it enacted, etc., That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to James Black Dog, a Fort Peck Indian allottee, a patent in fee to the northeast quarter of section 34, township 30 north, of range 53 east, Montana principal meridian, containing 160 acres.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PATENT IN FEE TO GROWING FOUR TIMES

The Senate proceeded to consider the bill (S. 608) authorizing and directing the Secretary of the Interior to issue a patent in fee to Growing Four Times, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 3, after the word "That," to insert "upon application in writing", so as to make the bill read:

Be it enacted, etc., That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Growing Four Times, of Frazier, Mont., a patent in fee to the following-described allotted lands situated in the State of Montana: The northeast quarter of the southeast quarter, and the southeast quarter of the southeast quarter, of section 5, township 26 north, range 45 east, Montana principal meridian.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAPITAL GRANTS FOR CERTAIN LOW-RENT HOUSING AND SLUM-CLEARANCE PROJECTS

The bill (S. 1361) to amend the United States Housing Act of 1937 so as to permit capital grants for low-rent housing and slum-clearance projects where construction costs exceed present cost limitations upon condition that local housing agencies pay the difference between cost limitations and the actual construction costs was announced as next in order.

Mr. KNOWLAND. Mr. President, may we have an explanation of the bill?

Mr. McCARTHY. Mr. President, this is a bill to which the Committee on Banking and Currency unanimously agreed. Roughly, this is the situation:

There have been 100 housing projects approved by the FHA. The money has been earmarked and is available. Money has already been spent on most of them. I think a typical example is a project in Milwaukee, Wis., to provide 242 housing units. The FHA has already spent $375,000 in condemnation proceedings in acquiring the property. However, there is a limitation in the present housing act, to the effect that if the unit costs more than $5,000 the Federal Government cannot grant any loans.

This bill merely provides that if the local municipality wants to put up the difference between $5,000 and the current cost of the housing it may do so and get the Federal money. In other words, this will in no way cost the Federal Government anything. It will merely allow the local municipality to proceed with the project if and when it decides to put up the money.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Banking and Currency with amendments, on page 2, line 1, after the word "grants", to insert "loans, or annual contributions"; and at the beginning of line 11, to insert "loans, or annual contributions", so as to make the bill read:

Be it enacted etc., That section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

"(6) Notwithstanding the provisions of subsection (5) of this section, or of any other section of this act, the Authority is authorized to make capital grants, loans, or annual contributions for low-rent-housing or slum-clearance projects, in the full amount of any sums previously allocated pursuant to this act, to any public housing agency, at the request of such agency, upon condition that such agency will pay, or cause to be paid by the State or political subdivision, the difference between the cost limitations prescribed in subsection (5) of this section and the actual cost of construction per family dwelling unit or per room during the period of building construction. The receipt of capital grants, loans, or annual contributions by any public-housing agency pursuant to this subsection shall in no way prejudice or impair the rights or privileges of such agency to participate fully in other low-rent housing or slum-clearance projects under this act or any other law. Nothing in this subsection shall prejudice the right of those public housing agencies which can, by reason of lesser need, or would prefer to delay the starting of their proposed building operations until labor and material costs stabilize at levels consistent with the cost limitations prescribed in subsection (5) of this section."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend the United States Housing Act of 1937 so as to permit loans, capital grants, or annual contributions for low-rent-housing and slum-clearance projects where construction costs exceed present cost limitations upon condition that local housing agencies pay the difference between cost limitations and the actual construction costs."

INCREASE IN EQUIPMENT MAINTENANCE OF RURAL CARRIERS

The Senate proceeded to consider the bill (S. 203) to increase the equipment maintenance of rural carriers 2 cents per mile per day traveled by each rural carrier for a period of 2 years, and for other purposes, which had been reported from the Committee on Civil Service with an amendment, on page 1, line 4, to strike

out "2 cents" and insert in lieu thereof "1 cent," so as to make the bill read:

Be it enacted, etc., That each carrier in the rural mail delivery service shall be paid for equipment maintenance a sum equal to 1 cent per mile per day for each mile or major fraction of a mile scheduled in addition to the 6 cents per mile per day for each mile or major fraction of a mile scheduled as now provided by law. Payments for the additional equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this act.

SEC. 3. This act shall take effect on the first of the month following the date of its enactment and shall terminate 36 months from the beginning date or such earlier date as the Congress may by concurrent resolution prescribe.

The amendment was agreed to.

Mr. BALL. Mr. President, may we have a brief explanation of the bill?

Mr. BALDWIN. Mr. President, the bill, as originally introduced, calls for an increase of 2 cents a mile for rural mail carriers. They have had but one increase since 1934. In 1943 there was a 1-cent increase, which brought the mileage up to 6 cents a mile. This bill would increase the mileage to 7 cents a mile and would cost approximately $2,200,000.

Mr. BALL. Mr. President, will the Senator yield?

Mr. BALDWIN. I yield.

Mr. BALL. Is this for the use of the car, or is it total compensation?

Mr. BALDWIN. It is only for the maintenance of the automobile. There are approximately 32,000 rural mail carriers in the United States and their average pay is approximately $2,900 a year. They have been receiving far less than is required to maintain their automobiles. In fact, we had testimony before the committee that it cost on an average about 12 cents a mile for a rural mail carrier to maintain his automobile. The bill would give him 7 cents a mile, which is a little more than half of that estimate.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to increase the equipment maintenance of rural carriers 1 cent per mile per day traveled by each rural carrier for a period of 3 years, and for other purposes."

The PRESIDING OFFICER. That completes the calendar.

RELIEF OF CERTAIN ARMY DISBURSING OFFICERS

Mr. WILEY. Mr. President, I ask unanimous consent for the present consideration of House bill 1514, Calendar No. 254.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 1514) for the relief of certain disbursing officers of the Army of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WILEY. Mr. President, I shall make a brief explanation of the bill. As stated, it is for the relief of certain disbursing officers of the Army of the United States. While in the service they have been charged with certain funds which have been lost. The funds have been carefully checked. They are small amounts, ranging from $37 and $43 up to one item of $500. The action is recommended by the Department as necessary to get these matters cleared up in order that the books of the Government may be straightened out sometime, somehow.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

RELIEF OF CERTAIN OFFICERS EMPLOYED IN THE FOREIGN SERVICE OF THE UNITED STATES

Mr. WILEY. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1032, Calendar No. 224, for the relief of certain officers and employeees of the Foreign Service of the United States.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1032), for the relief of certain officers and employees of the Foreign Service of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. WILEY. Mr. President, certain officers in the Foreign Service lost their money, property, and so forth, and this bill provides compensation for the losses which have been sustained. The matter has been thoroughly checked by Government authorities.

Mr. WHITE. Mr. President, this bill was objected to by some Senator on the last call of the calendar. Has the Senator from Wisconsin discussed the situation with the objecting Senator, so that the objection has been removed?

Mr. WILEY. I do not know who objected, but I was informed that because I was not present there was some objection made because the bill itself did not indicate its nature. Since I have explained the bill it would seem that there could be no material objection, because it was reported unanimously.

Mr. JOHNSTON of South Carolina. Mr. President, I shall object to further consideration of any bill which has been objected to unless the Senator who objected at the call of the calendar is present.

The PRESIDING OFFICER. Objection is heard.

LEGISLATION AFFECTING TIDELANDS

Mr. KNOWLAND. Mr. President, last year the Congress of the United States passed some tidelands legislation relative to the quitclaiming of tidelands to the coastal States. Today the Supreme Court of the United States handed down its decision, which, as I read it, is adverse to the State of California. I wish to call the matter to the attention of the Senate and to have printed in the body of the RECORD, following my remarks, the Supreme Court's decision in the matter, together with the dissenting opinions of Mr. Justice Reed and Mr. Justice Frankfurter. I invite the attention of each and every Member of the Senate to the fact that this decision is not only adverse to possession by the State of California, but, as I read it, Mr. President, it adversely affects title to the tidelands of every other coastal State in the Union, including the Thirteen Original States.

I believe that Members of the Senate who were here at the time the quitclaim legislation was under consideration remember that some of us who were in favor of the legislation at that time raised the point that if there was a decision adverse to California, in our opinion it would adversely affect the interests of every other coastal State in the Union.

Because of the great importance of this issue and because of the widespread interest which I believe there will be in all the States in the Union, I ask that the decisions be printed at this point as a part of my remarks.

There being no objection, the decisions were ordered to be printed in the RECORD, as follows:

SUPREME COURT OF THE UNITED STATES—NO. 12, ORIGINAL—OCTOBER TERM, 1946—UNITED STATES OF AMERICA, PLAINTIFF, V. STATE OF CALIFORNIA—JUNE 23, 1947

Mr. Justice Black delivered the opinion of the Court.

The United States by its Attorney General and Solicitor General brought this suit against the State of California invoking our original jurisdiction under article III, section 2, of the Constitution, which provides that "In all cases * * * in which a State shall be a party, the Supreme Court shall have original jurisdiction." The complaint alleges that the United States "is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low-water mark on the coast of California and outside of the inland waters of the State, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California." It is further alleged that California, acting pursuant to State statutes, but without authority from the United States, has negotiated and executed numerous leases with persons and corporations purporting to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits, and that the lessees have done so, paying to California large sums of money in rents and royalties for the petroleum products taken. The prayer is for a decree declaring the rights of the United States in the area as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

California has filed an answer to the complaint. It admits that persons holding leases from California, or those claiming under it, have been extracting petroleum products from the land under the 3-mile ocean belt

immediately adjacent to California. The basis of California's asserted ownership is that a belt extending three English miles from low-water mark lies within the original boundaries of the State, California Constitution, article XII (1849);[1] that the Original Thirteen States acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas; and that since California was admitted as a State on an equal footing with the original States, California at that time became vested with title to all such lands. The answer further sets up several affirmative defenses. Among these are that California should be adjudged to have title under a doctrine of prescription; because of an alleged long existing congressional policy of acquiesence in California's asserted ownership; because of estoppel or laches; and, finally, by application of the rule of res judicata.[2]

After California's answer was filed, the United States moved for judgment as prayed for in the complaint on the ground that the purported defenses were not sufficient in law. The legal issues thus raised have been exhaustively presented by counsel for the parties, both by brief and oral argument. Neither has suggested any necessity for the introduction of evidence, and we perceive no such necessity at this stage of the case. It is now ripe for determination of the basic legal issues presented by the motion. But before reaching the merits of these issues, we must first consider questions raised in California's brief and oral argument concerning the Government's right to an adjudication of its claim in this proceeding.

First. It is contended that the pleadings present no case or controversy under Article III, section 2, of the Constitution. The contention rests in the first place on an argument that there is no case or controversy in a legal sense, but only a difference of opinion between Federal and State officials. It is true that there is a difference of opinion between Federal and State officers. But there is far more than that. The point of difference is as to who owns, or has paramount rights in and power over, several thousand square miles of land under the ocean off the coast of California. The difference involves the conflicting claims of Federal and State officials as to which government, State or Federal, has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land, much of which has already been, and more of which is about to be, taken by or under authority of the State. Such concrete conflicts as these constitute a controversy in the classic legal sense, and are the very kind of differences which can only be settled by agreement, arbitration, force, or judicial action. The case principally relied upon by California, *United States* v. *West Virginia* (295 U. S. 463), does not support its contention. For here there is a claim by the United States, admitted by California, that California has invaded the title or paramount right asserted by the United States to a large area of land and that California has converted to its own use oil which was extracted from that land (cf. *United States* v. *West Virginia*, supra, 471). This alone would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III. The justiciability of this controversy rests therefore on conflicting claims of alleged invasions of interests in property and on conflicting claims of governmental powers to authorize its use (*United States* v. *Texas* (143 U. S. 621, 646, 648); *United States* v. *Minnesota* (270 U. S. 181, 194); *Nebraska v. Wyoming* (325 U. S. 589, 608)).

Nor can we sustain that phase of the State's contention as to the absence of a case or controversy resting on the argument that it is impossible to identify the subject matter of the suit so as to render a proper decree. The land claimed by the Government, it is said, has not been sufficiently described in the complaint since the only shoreward boundary of some segments of the marginal belt is the line between that belt and the State's inland waters. And the Government includes in the term "inland waters" ports, harbors, bays, rivers, and lakes. Pointing out the numerous difficulties in fixing the point where these inland waters end and the marginal sea begins, the State argues that the pleadings are therefore wholly devoid of a basis for a definite decree, the kind of decree essential to disposition of a case like this. Therefore, California concludes, all that is prayed for is an abstract declaration of rights concerning an unidentified 3-mile belt, which could only be used as a basis for subsequent actions in which specific relief could be granted as to particular localities.

We may assume that location of the exact coastal line will involve many complexities and difficulties. But that does not make this any the less a justiciable controversy. Certainly demarcation of the boundary is not an impossibility. Despite difficulties this Court has previously adjudicated controversies concerning submerged land boundaries. (See *New Jersey* v. *Delaware* (291 U. S. 361, 295 U. S. 694); *Borax Ltd. v. Los Angeles* (296 U. S. 10, 21–27); *Oklahoma* v. *Texas* (256 U. S. 70, 602).) And there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. (*Oklahoma* v. *Texas* (258 U. S. 574, 582).) Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. (See *e. g. Oklahoma* v. *Texas* (256 U. S. 608–609; 260 U. S. 606, 625, 261 U. S. 340).) California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by article III of the Constitution.

Second. It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard Government rights and properties.[3] The argument is that Congress has for a long period of years acted in such a way as to manifest a clear policy to the effect that the States, not the Federal Government, have legal title to the land under the 3-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

An act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For article IV, section 3, clause 2 of the Constitution vests in Congress "Power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States." We have said that the constitutional power of Congress in this respect is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29–30). Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

But no act of Congress has amended the statutes which impose on the Attorney General the authority and the duty to protect the Government's interests through the courts. See *In re Cooper* (143 U. S. 472, 502–503). That Congress twice failed to grant the Attorney General specific authority to file suit against California,[4] is not a sufficient basis upon which to rest a restriction of the Attorney General's statutory authority. And no more can we reach such a conclusion because both Houses of Congress passed a joint resolution quitclaiming to the adjacent States a 3-mile belt of all land situated under the ocean beyond the low-water mark, except those which the Government had previously acquired by purchase, condemnation, or donation.[5] This joint resolution was vetoed by the President.[6] His veto was sustained.[7] Plainly, the resolution does not represent an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2.

Neither the matter to which we have specifically referred, nor any others relied on by California, afford support for a holding that Congress has either explicitly or by implication stripped the Attorney General of his statutorily granted power to invoke our jurisdiction in this Federal-State controversy. This brings us to the merits of the case.

Third. The crucial question on the merits is not merely who owns the bare legal title

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[1] The Government complaint claims an area extending 3 nautical miles from shore; the California boundary purports to extend 3 English miles. One nautical mile equals 1.15 English miles, so that there is a difference of .45 of an English mile between the boundary of the area claimed by the Government, and the boundary of California. See California Constitution article XXI, sec. 1 (1879).

[2] The claim of res judicata rests on the following contention: The United States sued in ejectment for certain lands situated in San Francisco Bay. The defendant held the lands under a grant from California. This court decided that the State grant was valid because the land under the bay had passed to the State upon its admission to the Union. *United States* v. *Mission Rock Co.* (189 U. S. 391). There may be other reasons why the judgment in that case does not bar this litigation; but it is a sufficient reason that this case involves land under the open sea, and not land under the inland waters of San Francisco Bay.

[3] 5 U. S. C., secs. 291, 309; *United States* v. *San Jacinto Tin Co.* (125 U. S. 273, 279, 284); *Kern River Co.* v. *United States* (257 U. S. 147, 154–55); *Sanitary District* v. *United States* (266 U. S. 405, 425–426); see also *In re Debs* (158 U. S. 564, 584); *United States* v. *Oregon* (295 U. S. 1, 24); *United States* v. *Wyoming* (323 U. S. 669, 331 U. S. —).

[4] S. J. Res. 208, 75th Cong., 1st sess. (1938); S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). S. J. Res. 208 passed the Senate, 81 CONGRESSIONAL RECORD, 9326 (1938), was favorably reported by the House Judiciary Committee, H. Rept. 2378, 75th Cong., 3d sess. (1938), but was never acted on in the House. Hearings were held on S. J. Res. 83 and 92 before the Senate Committee on Public Lands and Surveys, but no further action was taken. Hearings before the Senate Committee on Public Lands and Surveys on S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). In both hearings objections to the resolutions were repeatedly made on the ground that passage of the resolutions was unnecessary since the Attorney General already had statutory authority to institute the proceedings. See Hearings Before the House Committee on the Judiciary on S. Res. 208, 75th Cong., 3d sess., 42–45, 59–61 (1938); Hearings on S. J. Res. 83 and 92, supra, 27–30.

[5] H. J. Res. 225, 79th Cong., 2d sess. (1946); 92 CONGRESSIONAL RECORD 9452, 19316 (1946).

[6] 92 CONGRESSIONAL RECORD 10660 (1946).

[7] 92 CONGRESSIONAL RECORD 10745 (1946).

to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquillity of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreements will be made concerning the control and use of the marginal sea and the land under it. (See *McCulloch* v. *Maryland* (4 Wheat. 316, 403–408); *United States* v. *Minnesota* (270 U. S. 181, 194).) In the light of the foregoing, our question is whether the State or the Federal Government has the paramount right and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the oil and other resources of the soil of the marginal sea, known or hereafter discovered, may be exploited.

California claims that it owns the resources of the soil under the 3-mile marginal belt as an incident to those elements of sovereignty which it exercises in that water area. The State points out that its original constitution, adopted in 1849 before that State was admitted to the Union, included within the State's boundary the water area extending three English miles from the shore (California Constitution (1849) art. XII, sec. 1); that the enabling act which admitted California to the Union ratified the territorial boundary thus defined; and that California was admitted "on an equal footing with the original States in all respects whatever" (9 Stat. 452). With these premises admitted, California contends that its ownership follows from the rule originally announced in *Pollard's Lessee* v. *Hagan* (3 How. 212); see also *Martin* v. *Waddell* (16 Pet. 367, 410). In the Pollard case it was held, in effect, that the original States owned in trust for their people the navigable tidewaters between high and low water mark within each State's boundaries, and the soil under them, as an inseparable attribute of State sovereignty. Consequently, it was decided that Alabama, because admitted into the Union on an equal footing with the other States, had thereby become the owner of the tidelands within its boundaries. Thus the title of Alabama's tidelands grantee was sustained as valid against that of a claimant holding under a United States grant made subsequent to Alabama's admission as a State.

The Government does not deny that under the Pollard rule, as explained in later cases,[8] California has a qualified ownership[9] of lands under inland navigable water such as rivers, harbors, and even tidelands down to the low-water mark. It does question the validity of the rationale in the Pollard case that ownership of such water areas, any more than ownership of uplands, is a necessary incident of the State sovereignty contemplated by the "equal footing" clause. (Cf. *United States* v. *Oregon* (295 U. S. 1, 14).) For this reason, among others, it argues that the Pollard rule should not be extended so as to apply to lands under the ocean. It stresses that the Thirteen Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty; and the Government insists that no previous case in this Court has involved or decided conflicting claims of a State and the Federal Government to the 3-mile belt in a way which requires our extension of the Pollard inland-water rule to the ocean area.

It would unduly prolong our opinion to discuss in detail the multitude of references to which the able briefs of the parties have cited us with reference to the evolution of powers over marginal seas exercised by adjacent countries. From all the wealth of material supplied, however, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it,[10] even if they did acquire elements of the sovereignty of the English Crown by their revolution against it (cf. *United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304, 316)).

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas.[11] But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion.[12]

Neither the English charters granted to this Nation's settlers,[13] nor the treaty of peace with England,[14] nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership.[15] Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

It did happen that shortly after we became a Nation, our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality.[16] Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete, dominion has apparently at last been generally accepted throughout the world,[17] although as late as 1876 there was still considerable doubt in England about its scope and even its existence. (See *The Queen* v. *Keyn* (L. R. 2, Exch. Div. 63).) That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact (*Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122–124)).[18] And

[8] See e. g., *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); *The Abby Dodge* (223 U. S. 166). See also *United States* v. *Mission Rock Co.* (198 U. S. 391); *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10). Although the Pollard case has thus been generally approved many times, the case of *Shively* v. *Bowlby* (152 U. S. 1, 47–48, 58) held, contrary to implications of the Pollard opinion, that the United States could lawfully dispose of tidelands while holding a future State's land "in trust" as a territory.

[9] See *United States* v. *Commodore Park* (324 U. S. 386, 390, 391); *Scranton* v. *Wheeler* (179 U. S. 141, 159, 160, 163); *Stockton* v. *Baltimore & N. Y. R. Co.* (32 F. 9, 20); see also *United States* v. *Chandler-Dunbar Co.* (229 U. S. 53).

[10] A representative collection of official documents and scholarship on the subject is Crocker, The Extent of the Marginal Sea (1919). See also I Azuni, Maritime Law of Europe (published 1806) ch. II; Fulton, Sovereignty of the Sea (1911); Masterson, Jurisdiction in Marginal Seas (1929); Jessup, The Law of Territorial Waters and Maritime Jurisdiction (1927); Fraser, The Extent and Delimitation of Territorial Waters, 11 Corn. L. Q. 455 (1926); Ireland, Marginal Seas Around the States, 2 La. L. Rev. 252, 436 (1940); Comment, Conflicting State and Federal Claims of Title in Submerged Lands of the Continental Shelf, 56 Yale L. J. 356 (1947).

[11] See, e. g., Fulton, op. cit. supra, 3–19, 144–145; Jessup, op. cit. supra, 4.

[12] Fulton, op. cit. supra, 21, says in fact that "mainly through the action and practice of the United States of America and Great Britain since the end of the eighteenth century, the distance of three miles from shore was more or less formally adopted by most maritime states as * * * more definitely fixing the limits of their jurisdiction and rights for various purposes, and, in particular, for exclusive fishery."

[13] Collected in Thorpe, American Charters, Constitutions, and Organic Laws (1919).

[14] Treaty of 1783, 8 Stat. 80.

[15] The Continental Congress did, for example, authorize capture of neutral and even American ships carrying British goods, "if found within 3 leagues (about 9 miles) of the coasts." (Journ. of Cong. 185, 186, 187 (1781).) Cf. Declaration of Panama of 1939, 1 Dept. of State Bull. 321 (1939), claiming the right of the American Republics to be free from a hostile act in a zone 300 miles from the American coasts.

[16] Secretary of State Jefferson in a note to the British Minister in 1793 pointed to the nebulous character of a nation's assertions of territorial rights in the marginal belt, and put forward the first official American claim for a 3-mile zone which has since won general international acceptance. Reprinted in H. Ex. Doc. No. 324, 42d Cong., 2d sess. (1872), 553–554. See also Secretary Jefferson's note to the French Minister, Genet, reprinted American State Papers, I Foreign Relations (1833), 183, 384; act of June 5, 1794, 1 Stat. 381; 1 Kent, Commentaries, 14th ed., 33–40.

[17] See Jessup, op. cit. supra, 66; Research in International Law, 23 A. J. I. L. 249, 250 (Spec. Supp. 1929).

[18] See also *Church* v. *Hubbard* (2 Cranch 187, 234). Congressional assertion of a territorial zone in the sea appears in statutes regulating seals, fishing, pollution of waters, etc. 36 Stat. 325, 328; 43 Stat. 604, 605; 37 Stat. 499, 501. Under the National Prohibition Act territory including "a marginal belt of the sea extending from low-water mark outward a marine league, or three geographical miles" constituting "the territorial waters of the United States" was regulated. 41 Stat. 305. Reprinted in Research in International Law, supra, 250. Anti-smuggling treaties in which foreign nations agreed to permit the United States to pursue smugglers beyond the 3-mile limit contained express stipulations that generally the 3-mile limit constitutes "the proper limits of territorial waters." See e. g., 43 Stat. 1761 (pt. 2). There are innumerable executive declarations to the world of our national claims to the 3-mile belt, and more recently to the whole continental shelf. For references to diplomatic correspondence making these assertions. (See 1 Moore, International Law Digest (1906), 705, 706, 707; 1 Wharton, Digest of International Law (1886), 100. See also Hughes, Recent Questions and Negotiations, 18 A. J. I. L. 229 (1924)). The latest and broadest claim is President Truman's recent proclamation that the United States "regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control." (Exec. Proc. 2667, September 28, 1945, 10 F. R. 12303.)

this assertion of national dominion over the 3-mile belt is binding upon this Court. (See *Jones* v. *United States* (137 U. S. 202, 212–21'); *In re Cooper* (143 U. S. 472, 502–503).)

Not only has acquisition, as it were, of the 3-mile belt, been accomplished by the National Government, but protection and control of it has been and is a function of national external sovereignty. (See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502).) The belief that local interests are so predominant as constitutionally to require state dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of state control over any part of the ocean or the ocean's bottom. This country, throughout its existence, has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. (See *Hines* v. *Davidowitz* (312 U. S. 52, 62–64); *McCulloch* v. *Maryland*, supra.) The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interests of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use. But whatever any nation does in the open sea which detracts from its common usefulness to nations, or which another nation may charge detracts from it,[19] is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean is a subject upon which the Nation may enter into and assume treaty or similar international obligations. (See *United States* v. *Belmont* (301 U. S. 324, 331–332).) The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual State, so, if wars come, they must be fought by the Nation. (See *Chy Lung* v. *Freeman* (92 U. S. 275, 279).) The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries,[20] these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low water mark, the same rationale leads to the conclusion that national interests responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. (*Cf. United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).)

As previously stated this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

There are three such cases whose language probably lend more weight to California's argument than any others. The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there. The second case, *Louisiana* v. *Mississippi* (202 U. S. 1, 52), uses language about "the sway of the riparian states" over "maritime belts." That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State governments. And the Court there specifically laid aside questions concerning "the breadth of the maritime belt or the extent of the sway of the riparian states" (Id. at 52). The third case is *The Abby Dodge* (223 U. S. 166). That was an action against a ship landing sponges at a Florida port in violation of an act of Congress (34 Stat. 313), which made it unlawful to "land" sponges taken under certain conditions from the waters of the Gulf of Mexico. This Court construed the statute's prohibition as applying only to sponges outside the State's "territorial limits" in the Gulf. It thus narrowed the scope of the statute because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the 3-mile belt. But the opinion in that case was concerned with the State's power to regulate and conserve within its territorial waters, not with its exercise of the right to use and deplete resources which might be of national and international importance. And there was no argument there, nor did this Court decide whether the Federal Government owned or had paramount rights in the soil under the Gulf waters. That this question remained undecided is evidenced by *Skiriotes* v. *Florida* (313 U. S. 69, 75), where we had occasion to speak of Florida's power over sponge fishing in its territorial waters. Through Mr. Chief Justice Hughes, we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."

None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there.[21] As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean (Cal. Stats. 1921, c. 303). This State statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this State-Federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Fourth. Nor can we agree with California that the Federal Government's paramount rights have been lost by reason of the conduct of its agents. The State sets up such a defense, arguing that by this conduct the Government is barred from enforcing its rights by reason of principles similar to laches, estoppel, adverse possession. It would serve no useful purpose to recite the incidents in detail upon which the State relies for these defenses. Some of them are undoubtedly consistent with a belief on the part of some Government agents at the time that California owned all or at least a part of the 3-mile belt. This belief was indicated in the substantial number of instances in which the Government acquired title from the States to lands located in the belt; some decisions of the Department of the Interior have denied applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the lands. Outside of court decisions following the Pollard rule, the foregoing are the types of conduct most nearly indicative of waiver upon which the State relies to show that the Government has lost its paramount rights in the belt. Assuming that Government agents could by conduct, short of a congressional surrender of title or interest, preclude the Government from asserting its legal rights, we cannot say it has done so here.

As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt. And even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by

[19] See *Lord* v. *Steamship Co.* (102 U. S. 541, 544).

[20] See *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 404); *cf. The Abbey Dodge* (223 U. S. 166) with *Skiriotes* v. *Florida* (313 U. S. 69, 74–75).

[21] Bull, No. 321, Dept. of the Interior, Geological Survey.

their acquiescence, laches, or failure to act.[22]

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32).

We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court.

It is so ordered.

Mr. Justice Jackson took no part in the consideration or decision of this case.

DISSENT OF MR. JUSTICE REED

In my view the controversy brought before this Court by the complaint of the United States against California seeks a judgment between State and Nation as to the ownership of the land underlying the Pacific Ocean, seaward of the ordinary low-water mark, on the coast of California and within the 3-mile limit. The ownership of that land carries with it, it seems to me, the ownership of any minerals or other valuables in the soil, as well as the right to extract them.

The determination as to the ownership of the land in controversy turns for me on the fact as to ownership in the Original Thirteen States of similar lands prior to the formation of the Union. If the original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The original States were sovereignties in their own right, possessed of so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union "on an equal footing with the original States in all respects whatever" (9 Stat. 452). By section 3 of the Act of Admission, the public lands within its borders were reserved for disposition by the United State. "Public lands" was there used in its usual sense of lands subject to sale under general laws. As was the rule, title to lands under navigable waters vested in California as it had done in all other States (*Pollard* v. *Hagan* (3 How. 212); *Barney* v. *Keokuk* (94 U. S. 324, 338); *Shively* v. *Bowlby* (152 U. S. 1, 49); *Mann* v. *Tacoma Land Co.* (153 U. S. 273, 284); *Borax Consolidated, Ltd.* v. *Los Angeles* (296 U. S. 10, 17)).

The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit. There, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction, or ownership among the nations of the world. As early as 1793, Jefferson, as Secretary of State, in a communication to the British Minister said that the territorial protection of the United States would be extended "three geographical miles" and added:

"This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts." (H. Ex. Doc. No. 324, 42d Cong., 2d sess., pp. 553–554.)

If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, State ownership has been assumed (*Pollard* v. *Hagan, supra; Louisiana* v. *Mississippi* (202 U. S. 1, 52); *The Abby Dodge* (223 U. S. 166); *New Jersey* v. *Delaware* (291 U. S. 361; 295 U. S. 694)).

DISSENT OF MR. JUSTICE FRANKFURTER

By this original bill, the United States prayed for a decree enjoining all persons, including those asserting a claim derived from the State of California from trespassing upon the disputed area. An injunction against trespassers normally presupposes property rights. The Court, however, grants the prayer but does not do so by finding that the United States has proprietary interests in the area. To be sure it denies such proprietary rights in California. But even if we assume an absence of ownership or possessory interest on the part of California, that does not establish a proprietary interest in the United States. It is significant that the Court does not adopt the Government's elaborate argument, based on dubious and tenuous writings of publicists, that this part of the open sea belongs, in a proprietary sense, to the United States. (See Schwarzenberger, Inductive Approach to International Law, 60 Harv. L. Rev. 539, 559.) Instead, the Court finds trespass against the United States on the basis of what it calls the national dominion by the United States over this area.

To speak of dominion carries precisely those overtones in the law which relate to property and not to political authority. Dominion, from the Roman concept dominium, was concerned with property and ownership, as against imperium, which related to political sovereignty. One may choose to say, for example, that the United States has national dominion over navigable streams. But the power to regulate commerce over these streams, and its continued exercise, do not change the imperium of the United States into dominium over the land below the waters. Of course, the United States has paramount rights in the sea belt of California—the rights that are implied by the power to regulate interstate and foreign commerce, the power of condemnation, the treaty-making power, the war power. We have not now before us the validity of the exercise of any of these paramount rights. Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be, in determining questions of trespass to the land of which they form a part. This is not a situation where an exercise of national power is actively and presently interfered with. In such a case the inherent power of a Federal court of equity may be invoked to prevent or remove the obstruction. (*In re Debs* (158 U. S. 564); *Sanitary District* v. *United States* (266 U. S. 405).) Neither the bill nor the opinion sustaining it suggests that there is interference by California or the alleged trespassers with any authority which the Government presently seeks to exercise. It is beside the point to say that "if wars come, they must be fought by the Nation." Nor is it relevant that "The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement." It is common knowledge that uranium has become "the subject of international dispute" with a view to settlement. Compare *Missouri* v. *Holland* (252 U. S. 416).

To declare that the Government has "national dominion" is merely a way of saying that vis-a-vis all other nations the government is the sovereign. If that is what the court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

Let us assume for the present that ownership by California cannot be proven. On a fair analysis of all the evidence bearing on ownership, then this area is, I believe, to be deemed unclaimed land, and the determination to claim it on the part of the United States is a political decision not for this Court. The Constitution places vast authority for the conduct of foreign relations in the independent hands of the President. (See *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304).) It is noteworthy that the Court does not treat the President's proclamation in regard to the disputed area as an assertion of ownership. If California is found to have no title, and this area is regarded as unclaimed land, I have no doubt that the President and the Congress between them could make it part of the national domain and thereby bring it under article IV, section 3, of the Constitution. The disposition of the area, the rights to be created in it, the rights heretofore claimed in it through usage that might be respected though it fall short of prescription, all raise appropriate questions of policy, questions of accommodation, for the determination of which Congress and not this Court is the appropriate agency.

Today this Court has decided that a new application even in the old field of torts should not be made by adjudication, where Congress has refrained from acting. (*United States* v. *Standard Oil Co.* (330 U. S. —).) Considerations of judicial self-restraint would seem to me far more compelling where there are obviously at stake claims that involve so many far reaching, complicated, historic interests, the proper adjustments of which are not readily resolved by the materials and methods to which this Court is confined.

This is a summary statement of views which it would serve no purpose to elaborate. I think that the bill should be dismissed without prejudice.

[22] *United States* v. *San Francisco* (310 U. S. 16, 31–32); *Utah* v. *United States* (284 U. S. 534, 545, 546); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32); *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 409). See also *Sec'y of State for India* v. *Chelikani Rama Rao, L. R.* (43 Indian App, 192, 204 (1916)).

CONTROL OF POSSESSION, ETC., OF PISTOLS AND OTHER DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA

Mr. COOPER. Mr. President, I ask unanimous consent for the immediate consideration of House bill 493, which is not on the call today. Upon two previous occasions when the calendar was called I objected to the consideration of the bill, which applies solely to the District of Columbia, and provides generally that police officers shall have the right to search and arrest a person suspected of carrying a concealed weapon as if for a felony. I propose to offer an amendment if the bill is considered.

I wish to say that I have explained to the two Senators concerned—the Senator from Missouri [Mr. KEM] and the Senator from Delaware [Mr. BUCK]—and there is no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 493) to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D. C. Code, 1940 edition).

Mr. COOPER. Mr. President, I now offer an amendment in the nature of a substitute, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D. C. Code, 1940 ed.), is amended by adding at the end of such section a new sentence as follows: "Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than $750 and not more than $2,000 or by imprisonment for not less than 1 year and not more than 3 years, or by both such fine and imprisonment."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ADDITIONAL ASSISTANT SECRETARY OF COMMERCE

Mr. WHITE. Mr. President, at the last call of the calendar, objection was voiced by the Senator from California [Mr. KNOWLAND] to the consideration at that time of Senate bill 1421, which is number 281 on today's calendar. The Senator from California has advised me that he acted in the name and on behalf of the Senator from Minnesota [Mr. BALL]. Both Senators have advised me that they have no objection to the bill. Therefore, I ask unanimous consent that we recur to Senate bill 1421, Calendar No. 281; and I request its immediate consideration.

The PRESIDING OFFICER. The bill will be read by title.

The CHIEF CLERK. A bill (S. 1421) to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes.

Mr. BALL. Mr President, I objected to the consideration of this bill at the first call of the calendar because I was under the impression that there already were two assistant secretaries in the Department of Commerce. Upon inquiry, I find there is only one Assistant Secretary, who devotes his full time to the Civil Aeronautics Administration work, and that the Department needs an additional Assistant Secretary to supervise the Bureau of Foreign and Domestic Commerce and its various field offices. I have been assured by Mr. Foster, the Under Secretary, that the enactment of the bill will not result in any increase in appropriations. Therefore, I have no objection to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 1421) to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there shall be in the Department of Commerce one additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary of Commerce may assign to his Assistant Secretaries such duties, including the direction of the Bureau of Foreign and Domestic Commerce, as he shall prescribe, or may be required by law. The Assistant Secretaries of Commerce shall be without numerical distinction of rank and shall have salaries of $10,000 per annum.

NINETEEN HUNDRED AND FORTY-SEVEN SESSION OF PENNSYLVANIA STATE LEGISLATURE

Mr. MARTIN. Mr. President, reference has been made on this floor to the General Assembly of the Commonwealth of Pennsylvania in a manner which reflects a desire to cast discredit upon the Republican majority in that body and to belittle the legislation enacted in the session which has just come to a close.

I have before me an article appearing in the June 18 edition of the Pittsburgh Press, giving a round-up of the 1947 legislative session. This summary sets forth the accomplishments of the general assembly and also lists those proposals which its members failed to enact into law.

Mr. President, I invite the attention of my colleagues to this article, so that they may be in a position to judge whether the session of the Pennsylvania Legislature just closed contributed to the well-being and progress of my State of Pennsylvania and its 10,000,000 citizens. I therefore ask unanimous consent to have this article from the Pittsburgh Press printed in the RECORD and made a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY NEW LAWS ON STATE BOOKS AS ASSEMBLY ENDS LONG SESSION—QUITE A FEW OTHERS REJECTED BY LEGISLATORS; 80 PERCENT OF PITTSBURGH PACKAGE PASSED

HARRISBURG, June 18.—When Pennsylvania's lawmakers adjourned their 22-week session here last night they had put a lot of new laws on the State books.

They had turned down many others.

They took their time about it, chalking up most of their progress in the adjournment rush of the final week.

Legislation designed to benefit Pittsburgh, though it faced many obstacles, fared well. Eight of the 10 points of the Pittsburgh package bill became law.

WHAT LEGISLATURE DID IN SESSION

This is what the 1947 legislature did:

PITTSBURGH PACKAGE

Enacted a country-wide smoke control law.

Created the Pittsburgh parking authority.

Authorized the county commissioners to build and operate garbage disposal plants.

Set up a separate city department of parks and recreation.

Created a county transit commission to study and regulate traffic and parking.

Relieved the city from payment of incidental damages in connection with the construction of through highways, such as the Penn-Lincoln Parkway.

Authorized the county planning commission to pass on public improvement projects in townships within the county.

Authorized the city to tax anything not now taxed by the State.

NEW TAXES

Increased tax on beer from one-half cent to 1 cent a bottle.

Put a tax of 1 cent a bottle on soft drinks; one-half cent an ounce on flavoring syrups.

Increased the cigarette tax from 2 cents to 4 cents a pack.

Wiped out most corporations' privilege of writing off trade losses in the form of reduced taxes.

Postponed until 1949 the manufacturers' exemption from payment of the 5-mill capital stock tax.

EDUCATION

Subsidies to local districts increased $48,000,000 to an all-time high of nearly 200 millions in the current 2-year period.

Minimum teachers' salaries in Pittsburgh increased to $2,175, with a range upward to $4,000. Elsewhere in the State the range is $1,950 to $3,400.

Pittsburgh School Board authorized to levy a per capita tax of from $1 to $5 on those over 21, a personal property tax of from 1 to 4 mills and a mercantile tax of one-half mill on wholesalers and 1 mill on retailers.

A State authority voted to erect school buildings and rent them to local districts.

A tax equalization board authorized to adjust real estate tax rates.

Freshman college centers continued for students unable to get into crowded colleges and universities.

LABOR

Strikes banned by employees of State and local governments, including school teachers, and by workers in essential public utilities.

Unemployment compensation to strikers eliminated.

Jobless pay period for jobless workers increased from 20 to 24 weeks.

Picketing made illegal except by employees of a struck plant.

Maximum work week for women and minors extended from 44 to 48 hours and from 5 to 6 days.

Women permitted to work night shifts and guaranteed equal pay for the same work done by men.

Labor unions required to file financial reports.

Jurisdictional strikes and secondary boycotts outlawed.

LOCAL GOVERNMENT

Judges given pay increases ranging from 17 to 20 percent. Most county employees increased 10 percent across the board.

Municipalities permitted to tax anything not taxed by the State.

Municipalities authorized to operate and regulate parking lots.

Cities authorized to ban smoking in stores.

School set up for training officials in good government.

Councils, boards, and other governmental agencies barred from adopting ordinances or transacting business at closed sessions.

HIGHWAYS

Two-hundred-and-fifty-million-dollar road construction and repair program set up.

Three-million-dollar increase to 20 millions in State subsidies to municipalities for roads authorized.

Set up $225,000 for roadside rests.

Highway department authorized to set speed limits below 50 miles per hour on dangerous stretches.

HOUSING

Insurance companies given the right to buy, build, and rent homes, apartments, commercial and industrial buildings.

Cities under 30,000 population, boroughs, and first-class townships permitted to establish housing authorities. (Larger municipalities already have this right.)

State housing board given virtual veto power over Federal subsidies to local districts.

VETERANS

Took first step for payment of a bonus in 1950 with ceiling of $500, based on $15 a month for overseas service and $10 for domestic duty.

INCIDENTAL

Free fishing licenses provided for those totally blind and those who have lost one limb.

Extended to January 1, 1949, the deadline by which State and local personal property taxes must be paid.

CONSUMER PROTECTION

Tightened laws against short-weight sales of coal, vegetables, and fruit.

Enacted a law with teeth to ban "gyp" auto financing.

Barber shops placed under immediate supervision of licensed barbers at all times.

Heavy penalties provided for ticket scalpers.

Misrepresentation of policies by insurance companies outlawed.

Fees for selling margarine reduced to $2 a year.

PUBLIC HEALTH

Set up $89,000,000 for building mental hospitals and other welfare institutions.

Increased 40 percent to $12,262,000 subsidies to general hospitals and provided another million for training nurses.

Provide ! $7,000,000 for treatment of diseases among children examined under the school health program.

CONSERVATION

Provided $10,000,000 for long-range flood control, building of dams, reforestation, and recreation.

Provided $1,090,000 to seal abandoned mines to prevent drainage of acids into streams used as water sources by municipalities.

JUVENILE DELINQUENCY

Youths required to give proof of age before they can buy liquor or beer in bars.

COMMERCE AND BUSINESS

Advertising campaign expanded to sell Pennsylvania as a desirable place to establish business, to live, and in which to spend vacations.

Made permanent taxes for employers whose labor turn-over is low.

ELECTIONS

Moved Republican Party from second to first place on the ballot.

Ratified proposed amendment to the United States Constitution to limit future Presidents to two terms.

Changed the date of the primary from June to September.

EXPENSE ACCOUNTS

The legislators voted themselves expense accounts and clerical-hire allowances of $2,400 for their 2-year terms.

WHAT LEGISLATURE REFUSED TO DO

Here are some of the things the legislature failed to do:

Refused to remove restrictions on margarine, prohibited presale coloring, required monthly reports from grocers of purchases, and compelled restaurants which serve it to say so on their menus.

Refused to require bakers to fortify bread with vitamins.

Refused to pass fair-employment-practices legislation in spite of pleas from Governor Duff.

Refused to make the State responsible for the upkeep of bridges on State highways in cities.

REFUSED APPEAL

Refused to authorize municipalities to complain to the public utilities commission in cases involving mass transportation.

Refused to pass the boxcar-truck bill to increase the weight of semitrailers from 45,000 to 62,000 pounds.

Refused to authorize municipalities to decide whether they want to permit playing of hockey between 2 and 6 p. m. on Sundays.

Refused to put controls on under-the-counter sales of new and used cars at inflated prices.

NO CLOSED-SHOP BAN

Refused to ban the closed shop or to enact a series of bills which labor leaders declared were "punitive and restrictive."

Refused to appropriate $10,000,000 to consolidate schools and thus remove the little red school house from the Pennsylvania scene.

Refused to approve the "Allegheny County Package" to transfer millions of dollars in local taxes to the State.

Refused to recodify the State's liquor laws to permit appeals to the superior court by either the licensee or the State. This would have ended the differences among counties as to whether clubs are or are not included in the quota law limiting permits to 1 for each 1,000 population in any community.

REAPPORTIONING OUT

Refused to reapportion the members of the legislature, although such a move is long overdue.

Refused to outlaw the Ku Klux Klan on the ground that present laws have that effect.

Refused to require lobbyists to register with the legislature.

Refused to require members of the assembly to disclose the sources of their incomes.

Refused to permit parimutuel horse-race betting.

Refused to create a separate State department of mental health.

Refused to pass a bill to control rents on the ground that Congress is doing that.

Refused to increase the salary of the Governor and his cabinet and the five members of the public utility commission. (Governor Duff probably would have vetoed such a bill anyway.)

SUSPENSION OF ANNUAL ASSESSMENT WORK ON MINING CLAIMS IN TERRITORY OF ALASKA

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 2369) providing for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BUTLER. Mr. President, I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BUTLER, Mr. CORDON, and Mr. HATCH conferees on the part of the Senate.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate a message from the President of the United States withdrawing the nomination of Eugene S. Hunton, to be postmaster at Hartford, Ark., which was ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. WILEY, from the Committee on the Judiciary:

Francisco Corneiro, of the Virgin Islands, to be district attorney for the District Court of the Virgin Islands, vice James A. Bough, resigned.

By Mr. WHITE, from the Committee on Interstate and Foreign Commerce:

Earl O. Heaton and Lawrence W. Swanson, to be commander and lieutenant commander, respectively, in the Coast and Geodetic Survey.

CONFIRMATION OF CERTAIN NOMINATIONS

Mr. WILEY. Mr. President, I ask unanimous consent that, as in executive session, the Senate proceed to consider, on the Executive Calendar, the nomination of Hon. Jed Johnson, of Oklahoma, to be judge of the United States Customs Court, and the nomination of Otto Schoen, of Missouri, to be United States marshal. The other nominations on the calendar are objected to.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be stated.

UNITED STATES CUSTOMS COURT

The legislative clerk read the nomination of Hon. Jed Johnson, of Oklahoma, to be judge of the United States Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Otto Schoen, of Missouri, to be United States marshal for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. WILEY. Mr. President, I ask unanimous consent that the President be notified forthwith of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

RECESS

Mr. WHITE. Mr. President, so far as I know, that concludes the business which is to come before the Senate today. Therefore I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 24, 1947, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23 (legislative day of April 21), 1947:

UNITED STATES CUSTOMS COURT

Hon. Jed Johnson to be judge of the United States Customs Court.

UNITED STATES MARSHAL

Otto Schoen to be United States marshal for the eastern district of Missouri.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 23 (legislative day of April 21), 1947:

POSTMASTER

Eugene S. Hunton to be postmaster at Hartford, in the State of Arkansas.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 23, 1947

The House met at 12 o'clock noon.

Rev. Donald C. Beatty, D. D., chaplain, Veterans' Administration, Washington, D. C., offered the following prayer:

Almighty God, we pause in this hour to acknowledge Thy claim on our loyalty and our service. Beyond all lesser claims, we know that Thou dost call us to serve Thee. We therefore pray "Thy Kingdom come" both in our hearts and minds and in this our beloved country.

Grant that, in carrying out the responsibilities of our daily lives, we may have the consciousness that we are, in our place and time, advancing Thy will for us and for mankind.

Grant to us such a measure of Thy spirit of good that it will enliven our imaginations, animate our purposes, and sanctify all our doings.

Not only for ourselves, our Father, do we pray: For every child of Thine—the afflicted in body or in spirit, the distressed, the homesick, and the homeless—we would remember them and serve them as for Thee.

Free us, we pray, from needless anxiety and groundless fears; strengthen our purposes of good; and, ever and always, give us Thy peace. Amen.

The Journal of the proceedings of Friday, June 20, 1947, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 20, 1947:

H. R. 620. An act for the relief of Blanche E. Broad.

On June 21, 1947:

H. R. 765. An act for the relief of Elwood L. Keeler;

H. R. 925. An act for the relief of Therese R. Cohen;

H. R. 1412. An act to grant to the Arthur Alexander Post, No. 68, the American Legion, of Belzoni, Miss., all of the reversionary interest reserved to the United States in lands conveyed to said post pursuant to act of Congress approved June 29, 1938;

H. R. 1874. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

H. R. 1482. An act for the relief of the legal guardian of Gilda Cowan, a minor.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3737. An act to provide revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAIN, Mr. FLANDERS, and Mr. MCGRATH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3611. An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAIN, Mr. FLANDERS, and Mr. MCGRATH to be the conferees on the part of the Senate.

The message also announced that the President pro tempore has appointed Mr. LANGER and Mr. CHAVEZ members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Justice.
2. Department of the Navy.
3. National Archives (General Schedule No. 6).
4. Office of Temporary Controls.

ILLINOIS AND MICHIGAN CANAL

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1628) relinquishing to the State of Illinois certain right, title, or interest of the United States of America, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "Grundy", insert "Du Page."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FLOOD CONTROL, REPUBLICAN VALLEY, NEBR.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. CURTIS. Mr. Speaker, tragedy has once more struck in the Republican Valley in southwest Nebraska. It was 12 years ago this summer that a flood took the lives of 112 of our citizens. At that time there was high water on the main stem on Medicine Creek and on all the tributaries.

Yesterday at 5:30 in the morning a wall of water came down Medicine Creek, flooding the city of Cambridge. The water and debris reached the second-story windows of many of the houses. All communications are cut off. The main line of the Burlington Railroad is out again. The first reports indicate that 50 or more people were missing. The latest information shows that there are 10 known dead and 4 yet unaccounted for.

A program of flood control and water utilization has been authorized for this territory. Construction was not reached before the war. The work of the Army engineers and the Bureau of Reclamation in the Republican Valley is just now getting started.

I wish to urge, with all the force at my command, that the Congress, the President, the Army engineers, the Bureau of Reclamation, and the Bureau of the Budget recognize that an emergency exists, that temporary help be extended, and that steps be taken to speed up all of the work that has been planned. What has happened at the stricken and sorrowing city of Cambridge can happen at a number of points on the Republican River. I repeat what I have said before, that from the standpoint of river development the Republican River Basin is the most neglected spot in America.

EXTENSION OF REMARKS

Mr. TWYMAN asked and was given permission to extend his remarks in the

RECORD in two instances and include an editorial.

Mr. MUNDT asked and was given permission to extend his remarks in the RECORD and include certain references and quotations from outside sources.

Mr. MERROW asked and was given permission to extend his remarks in the RECORD and include an article written by him entitled "A Realistic Farm Policy."

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and include a radio broadcast delivered by me over WOL last Sunday.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I said over the radio on station WOL yesterday afternoon:

Today, as every American who has the present and future greatness of his country at heart is proudly aware, marks the third anniversary of the enactment into law of the GI bill of rights.

Three years ago, in obedience to the will of the American people, expressed overwhelmingly through their elected Representatives in the Congress, the President of the United States signed a daring new charter in human rights.

As an American, I rejoice in this free expression of the heart and mind and conscience of a free people.

As one of the sponsors at the request of the American Legion of the GI bill of rights, and as chairman of the Veterans' Affairs Committee, House of Representatives, Eightieth Congress, I rejoice in the work of the Seventy-eighth Congress that produced this historic achievement.

I rejoice in the work of succeeding Congresses that has further widened and liberalized the opportunities for good citizenship embodied in the original act.

In a very real sense the enactment of the GI bill marked the coming of age of the American people.

Long before the shooting war ended it had become apparent to thoughtful Americans, both in and out of Congress, that the gigantic world conflict that was to put 16,000,000 of our finest young men into uniform might conceivably lead to national postwar tragedy if the postwar needs of those millions of young fighting men were minimized or ignored altogether.

Before our eyes was the picture of the aftermath of World War I. Thirty years ago the readjustment of veterans to useful and self-reliant citizenship was regarded by most Americans in terms so narrow that readjustment became little more than a medical program for the hospital treatment and care of those wounded in battle.

Thirty years ago restoration of lost opportunities for peacetime citizenship was left largely to the veterans themselves.

If a veteran had to give up his ambitions for a useful professional career because of lack of educational opportunities, that was regarded pretty generally as his own affair.

If he failed to acquire working skills because of time and opportunity torn out of his life by war, he was free to take the unskilled job that nobody else wanted, or perhaps find no job at all.

If he wanted to establish a home for his family, or go into business for himself, or get started on his own farm, it was, generally speaking, no direct concern of his Government or his fellow citizens.

Thirty years ago Americans accepted postwar stagnation and ruin for many of its veterans as a natural calamity, to be accepted passively as part of the normal and ugly price of war.

The enactment of the GI bill blasted that outworn concept of veterans' readjustment to smithereens.

Just 3 years ago today the citizens of America, through their Congress, proclaimed by law that after war ends the right to normal peacetime opportunities, retarded by war, can and must be reestablished for our millions of fellow citizens who fought and won the war for all.

It is this theory and this practice that underlies the GI bill. It underlies every other piece of legislative justice for our citizen veterans placed on the statute books of the Nation by the Congress.

Three years of accelerated progress under the GI bill have justified beyond all doubts the creative thinking and the coordinated action that produced the law.

The number of our fellow citizens who are veterans of World War II now tops 14,000,000.

Today more than half of our two and a quarter million college students are veterans. They are getting their education at Government expense with the active help of the Veterans' Administration, which carries out the mandate of the laws enacted for veterans by Congress.

This vast educational and training program adds strength to the very bone and marrow of America. By enriching the productive capacity of a whole generation of Americans, we are enriching the living strength of our country.

By the 1st of May, more than three-quarters of a million loans had been approved for guaranty by the Veterans' Administration, in accordance with the provisions of the GI bill of rights. These loans have provided sorely needed opportunities to hundreds of thousands of our fellow citizens to get decent housing for their families, or to make a bold new start in businesses or on farms of their own.

This, then, is the meaning of the GI bill. If veterans are to grow and share in the productive life of this Nation, they must be given the opportunities to equip themselves with the skills and the training needed to earn jobs, to hold jobs, and to produce jobs in a prosperous and unified America.

All of our citizens, including all our fellow citizens who are veterans, must pay for this program. But in spreading the costs we are, by the same token, spreading the gains. Every family has at least one relative who may benefit from this far-reaching legislation. For all citizens, including our fellow citizens who are veterans, will profit from such Nation-wide gains throughout the rest of our lives.

Let us rejoice in the GI bill of rights. Let us rejoice in the America that produced it. Let us especially rejoice in the magnificent work being done by veterans under its provisions.

LOBBYISTS

Mr. ARENDS. Mr. President, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. Mr. Speaker, there is a law on the statute books requiring the registration of lobbyists, and the reporting of their salaries and expenses. I understand more than 800 such persons have registered under this law. Last week during the discussion of the President's veto message on labor some 800 lobbyists were reported to have come to Washington in an automobile veto caravan. They came here for the purpose of influencing the President to veto the Labor Act and to exert their influence on Members of Congress to sustain such veto.

Who paid their expenses? Have they registered as lobbyists?

There have been reports that labor organizations have spent more than $1,000,000 in lobbying against the labor act and for sustaining the veto. Have those expenses been reported as lobbying costs?

Phil Murray, president of the CIO, was interviewed on a radio program Friday night called Meet the Press. In that radio interview Mr. Murray said that he had talked to various Members of Congress about the act. Mr. Murray was asked if he thought that would come under the head of lobbying. He replied that he did not believe so. Many Members had called him asking about the act, he replied. Is that lobbying and is Mr. Murray registered as a lobbyist?

According to the press the President, on Friday, invited 13 Members of the Senate to luncheon. It is reported that he spoke to the Senators about his labor bill veto. Was that lobbying?

Mr. Speaker, I would like to know just who is a lobbyist and who is lobbying whom.

THE TRUTH ABOUT SOIL CONSERVATION APPROPRIATIONS FOR 1948

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MURRAY of Wisconsin. The New Dealers are living up to form in their sending out of false propaganda about appropriations for the 1948 Soil Conservation Service. Since most of the New Dealers, the majority of the ones present, voted to liquidate the sheep business in America on June 16, 1947—an industry like all livestock enterprises that is associated with soil conservation—they are in a rather embarrassing position and on thin ice when it comes to talking about soil conservation. These New Dealers voted to destroy the sheep breeders' soil-conservation program. Livestock production is soil conservation. During the past 5 years one-third of the sheep industry of the United States has been liquidated. Now the New Dealers are after the other two-thirds. If Texas sheepmen, with nearly 20 percent of the sheep of the Nation, are to be liquidated, if Oklahoma sheepmen are to be liquidated, if Missouri sheepmen are to be liquidated, and Minnesota and New Mexico sheepmen are to be liquidated, and Tennessee sheepmen are to be liquidated, by the administration, it will not do them any good to try to send out fake and false propaganda about the appropriation for Soil Conservation Service to the sheepmen of America. The sheepmen of America are carrying on a soil-conservation program of their own. The

sheepmen do not want the New Dealers interfering with their Soil Conservation Service either, as they have voted to do. If and when the sheep are liquidated, still bigger and better appropriations will be demanded from the United States Treasury in the name of soil conservation.

What are the facts about the appropriations for the Soil Conservation Service? The following is from page 256 of the hearings:

Appropriations

1938	$22,175,000
1939	21,462,349
1940	21,462,349
1941	16,705,750
1942	23,516,775
1943	20,510,812
Supplemental (overtime)	1,473,720
1944	19,511,855
Overtime pay	3,016,948
1945: $28,340,000, less overtime, $3,964,700	24,375,300
1946	33,211,800
1947	39,300,000
1948: Plus pending increase due to 1946 Pay Act, $4,000,000	38,437,000

What does this official list show?

First. That the $38,437,000 for 1948 is a larger appropriation than was made for any year except 1947. The appropriation for research under the Soil Conservation was cut from $1,423,000 in 1947 to $673,000 for 1948. The reason given was than many old districts had already had the benefits of this research, and the $673,000 is sufficient for the new districts. It was also claimed that much of this research work was being carried on by the States.

Second. That in 1947 the $4,000,000 was used under the Pay Act which provided a total of $43,300,000 used. This would make some $5,000,000 less money available in 1948 than in 1947.

Third. The appropriation for 1948 was $5,000,000 more than for 1946.

Many agencies of the Federal Government are receiving appropriations in the name of soil conservation. What are these agencies?

First. The Federal appropriations to experimental stations where funds are used for soil experiments and tests. This appropriation was not reduced.

Second. The Extension Service. The extension service with its soil specialists have for 30 years carried on soil conservation. This appropriation was not reduced.

Third. Forestry Service. In some of the sandy areas, tree planting is one of the first requirements for soil conservation. The farm forestry project is kept and retained in full. This appropriation was not reduced.

Fourth. The TVA has distributed free fertilizer. This has been given away mostly in the South. A few pounds to one farmer; a carload to another, free.

Fifth. The Soil Conservation Service appropriations. You will note that the 1948 appropriations for the Soil Conservation Service of $38,437,000 is $16,000,000, or 74 percent more than the 1943 appriations; the 1948 Soil Conservation Service appropriation is $15,591,000, or 72 percent more than the 1944 appropriation; the 1948 appropriation of $38,437,000 for soil conservation was $10,097,000, or 35 percent more than 1945; the 1948 Soil Conservation Service appropriation of $38,437,000 was $5,226,000, or 18 percent more than for 1946; the 1948 appropriation was $853,000, or 2 percent less than for 1947, when the pending Pay Act appropriation is not considered. When and if this $4,000,000 is considered it would show the 1948 appropriation at the most to be only 12 percent below the 1947 appropriation.

There were parts of the Agricultural appropriation that I did not wish to subscribe to. It would have been easy to vote to recommit this bill. What position would these agencies have been in on July 1, 1947? Did you ever think that one out? Did you wish to see the whole agricultural appropriation stymied and be in the mess the Maritime Commission finds itself in today in regard to funds? Wouldn't the bill have gone right back to the same committee?

It may be temporarily good politics to send out false and fake propaganda about soil conservation. After erecting more and more severe trade barriers than any administration in the history of the country, they are at the end of their rope in trying to maintain that they are for reciprocity and a good-neighbor policy. The American sheepmen have found out that the present administration is not interested in their soil-conservation program.

I repeat, as a member of the Legislative Agricultural Committee, I would have changed the set-up of the appropriations in the Agricultural Appropriation Committee, but that is no justification for the fake and false propaganda.

These appropriations must be considered in the light of results accomplished. The Soil Conservation Service is handicapped by a lack of available equipment needed to carry on the projects. Many witnesses before the Legislative Agricultural Committee advocated that the Soil Conservation Service become a part of Extension Work. The Soil Conservation Service with thirty-eight million in 1948 and Extension with but twenty-four million for general extension, home economics work, and boys' and girls' club work does not appear to many to be the correct relationship as to funds. The great percentage of the people are anxious for more and more 4-H Club work. Authorization has already been made for additional funds for boys' and girls' club work. Something over $50,000,000 is in the agricultural appropriation for research. The Appropriation Committee made a new appropriation for marketing research of some $9,000,000. In the light of the above facts it is difficult to see how the Soil Conservation Service can complain when their appropriation was kept nearly intact in comparison to some agencies that were very materially reduced.

The fact that the administration has allowed milk to sell below the floor guaranteed by law would indicate that they do not care to use the funds available to follow out the law even in this respect. Every 10 cents per hundredweight that Wisconsin milk sells below the Steagall lawful support price means a $15,000,000 annual loss on the fifteen billions of milk produced in the State. An announced support price for milk and action in supporting this announced price in keeping with the law is surely a most important influence on the agricultural economy of our State where over half the farm income is from the dairy business.

EXTENSION OF REMARKS

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include an editorial from the Bristol Courier entitled "Truman Versus Truman" showing the difference between the veto of the Case bill and the veto of the labor bill; and in another instance to include an editorial entitled "GOP Promises Are Kept."

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and include three editorials.

PROVIDING REVENUE FOR DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3737) to provide revenue for the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. DIRKSEN, BATES of Massachusetts, O'HARA, MCMILLAN of South Carolina, and SMITH of Virginia.

BOARD OF EDUCATION, DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 3611) to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. DIRKSEN, BATES of Massachusetts, O'HARA, MCMILLAN of South Carolina, and SMITH of Virginia.

METROPOLITAN POLICE FORCE

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1997) to provide seniority benefits for certain officers and members of the Metropolitan Police force and of the Fire Department of the District of Columbia who are veterans of World War II and lost opportunity for promotion by reason of their service in the armed forces of the United States, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, strike out all after line 2 over to and including line 8 on page 2 and insert

"That (a) any officer or member of the Metropolitan Police force or of the Fire Department of the District of Columbia, who served in the armed forces of the United States during the period beginning May 1, 1940, and ending December 31, 1946, and (1) whose name appeared during such service (as a result of a regular or reopened competitive examination for promotion) on any civil-service register with respect to such force or department for promotion to a higher rank or grade, or (2) whose name appeared on such a register as a result of a reopened examination taken subsequent to his release, shall, for the purpose of determining his seniority rights and service in such rank or grade, be held to have been promoted to such rank or grade as of the earliest date on which an eligible standing lower on the same promotion register received a promotion either permanently or temporarily to such rank or grade."

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. CRAVENS asked and was given permission to extend his remarks in the RECORD and include an article from the Fort Smith Times-Record of June 18, 1947, with reference to proposed tax legislation.

Mr. KENNEDY asked and was granted permission to extend his remarks in the RECORD and include a letter from Hon. John Adkinson, city manager of the city of Cambridge, Mass.

Mr. ROGERS of Florida asked and was granted permission to extend his remarks in the RECORD and include a magazine article.

Mr. DEANE asked and was granted permission to extend his remarks in the RECORD and include an article from the Sunday Star.

PERMISSION TO ADDRESS THE HOUSE

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I was very much surprised to listen to the remarks of the gentleman from Illinois [Mr. ARENDS] trying to create a smoke screen in relation to lobbying. Does my friend fail to distinguish between lobbying and the right of petition? The right of petition is one of the four cornerstones of personal liberty, and under no condition should it ever be undertaken to take it from any person or group of our people. There have been large paid advertisements in the newspapers from the Manufacturers' Association. I consider it their constitutional right of petition. I do not agree with them in their positions, but I do not attack them for doing what they did do. When we do not attack them, I do not think labor should be attacked for doing the same thing.

I notice a watchdog committee is going to be appointed. I never heard of a watchdog committee in the constitutional history of our country. A watchdog on whom? A watchdog on what? It is rather amusing and an amazing situation that after this so-called perfect bill is passed, so far as proponents of the antilabor bill are concerned, the bitter proponents of it then decide to create a watchdog committee. For what purpose? A watchdog over whom? The American people would be interested to see that in the future.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

THE FOREIGN SITUATION

Mr. COURTNEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COURTNEY. Mr. Speaker, I hold in my hand an Associated Press item appearing in a Washington paper, which says that a mysterious movement of thousands of food parcels to the United States from the deluded people of the Mediterranean area, themselves hungry, has been in progress for months, with the shipments apparently destined for supposedly starving American relatives and friends. These people, the article continues, must be the victims of an unfriendly ideology whose followers are spreading propaganda on the bad state of affairs in America.

In other words, Moscow, by press, radio and otherwise, is telling the people of the Balkan and Mediterranean countries that our Government has fallen, that we are in a state of chaos and revolution and that our people are starving.

For this and other compelling reasons, as a member of the Committee on Foreign Affairs, I believe that next to the program for aid to Greece and Turkey to check the spread of communism, the bill involving our cultural program, which includes a provision for the continuation of our official radio broadcast the Voice of America, is the most important measure that has come to the floor of the House this session.

I am amazed at the parliamentary routine that the House leadership has adopted, perhaps unintentionally, with respect to this important measure. It is being handled by a subcommittee of the Committee on Foreign Affairs, of which I am not a member and other members of the full committee are not primarily charged with responsibility for the bill. It has been considered by fits and starts on the floor since the time when the memory of man runneth not to the contrary, it might be said with little exaggeration. It will be set down for consideration on a day and proceedings will begin. Several times, with debate well under way, I have been called to my office for a few moments and on my return to the floor, to my amazement, I find that our subcommittee has been forced to fold its tents, so to speak, and slip silently away, and some other committee is on the floor, pressing some bill of comparatively minor significance.

On other days, coming to the floor to attend proceedings on bills set down on the calendar for the day, I find that the cultural program bill has been slipped in for another hour's consideration between, perhaps, a District bill and a minor appropriation bill. Finally, on Friday last, when we had the last attempt at consideration, certain Members of the body resorted to a filibuster insisting on one quorum call after another for the purpose of delay.

When we adjourned on Friday last, it was with the understanding, I thought, that the bill would be taken up again today, but I see no mention of it on the whip notice.

By taking small bites every 4 or 5 days, we have swallowed this cow all but the tail. I do hope that this most important measure will be called up today and disposed of finally.

The SPEAKER. The time of the gentleman from Tennessee has expired.

EXTENSION OF REMARKS

Mr. ROSS asked and was given permission to extend his remarks in the Appendix of the RECORD and include a speech by the gentleman from New York [Mr. KEATING].

Mr. BANTA asked and was given permission to extend his remarks in the RECORD and include a letter from the superintendent of schools.

Mr. GAVIN asked and was given permission to extend his remarks in the Appendix of the RECORD and include a speech by Arthur Bevin, Chief of the Flood Control Service.

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD and include extraneous matter.

THE LABOR BILL VETO

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GROSS. Mr. Speaker, the long and belabored explanation of the President telling why he vetoed the labor bill just simply is not worth reading. It is especially laughable when we think of the speech he made at Princeton University the other day when a doctor's degree was conferred upon him and he made the statement that he had not read the bill; then 2 days later he presented this Congress with a 5,500-word reason why he could not approve it. In effect, it was saying: "I need votes."

His veto message contained more inconsistencies, more contradictions, and more erroneous and misleading statements than anything I have ever heard.

ADDITIONAL COPIES OF HOUSE REPORT 209

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 40, authorizing the Committee on Un-American Activities to have printed for its use additional copies of

House Report 209, Eightieth Congress, first session, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring). That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, as amended, the Committee on Un-American Activities, House of Representatives, be, and is hereby authorized and empowered to have printed for its use 25,000 additional copies of House Report 209, Eightieth Congress, first session, entitled "The Communist Party of the United States as an Agent of a Foreign Power."

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF HEARINGS BY COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration I call up House Concurrent Resolution 39, authorizing the Committee on Un-American Activities to have printed for its use additional copies of the hearing held on February 6, 1947, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, as amended, the Committee on Un-American Activities, House of Representatives, be, and is hereby, authorized and empowered to have printed for its use 3,000 additional copies of the hearing held before said committee on February 6, 1947, pursuant to Public Law 601, Seventy-ninth Congress.

With the following committee amendment:

Page 1, line 6, strike out "3" and insert "2."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF WAYS AND MEANS COMMITTEE HEARINGS ON RECIPROCAL TRADE AGREEMENTS

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 186, authorizing the Committee on Ways and Means of the House of Representatives to have printed for its use additional copies of the hearings held before said committee during the current session relative to reciprocal trade agreements, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Ways and Means of the House of Representatives be, and is hereby, authorized and empowered to have printed for its use 1,000 additional copies of the hearings held before said committee during the current session relative to reciprocal trade agreements.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GRAHAM HISTORY OF JUDICIARY COMMITTEE MADE A HOUSE DOCUMENT

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 241, providing for the printing, as a House document, the History of the Committee on the Judiciary, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the "History of the Committee on the Judiciary," prepared by the Honorable LOUIS E. GRAHAM, be printed as a House document.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADDITIONAL COPIES OF CERTAIN HOUSE REPORTS

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 35, providing for the printing of additional copies of House Report No. 541, Seventy-ninth Congress; House Report No. 1205, Seventy-ninth Congress; and House Report No. 2729, Seventy-ninth Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 1,500 additional copies of House Report No. 541, Seventy-ninth Congress, entitled "The Postwar Foreign Economic Policy of the United States," of which 500 copies shall be for the use of the Senate and 1,000 copies shall be for the use of the House; 1,500 additional copies of House Report No. 1205, Seventy-ninth Congress, entitled "Economic Reconstruction in Europe," of which 500 copies shall be for the use of the Senate and 1,000 copies shall be for the use of the House; and 5,000 additional copies of House Report No. 2729, Seventy-ninth Congress, entitled "Final Report Reconversion Experience and Current Economic Problems," of which 500 copies shall be for the use of the Senate and 4,500 copies shall be for the use of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ERECTION IN THE DISTRICT OF COLUMBIA OF A MEMORIAL TO THE MARINE CORPS DEAD

Mr. BISHOP. Mr. Speaker, I call up Senate Joint Resolution 113, authorizing the erection in the District of Columbia of a memorial to the Marine Corps dead of all wars, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of the Interior is authorized and directed to grant authority to the Marine Corps League, Inc., to erect a memorial on public grounds in the District of Columbia in honor and in commemoration of the men of the United States Marine Corps who have given their lives to their country.

SEC. 2. The design and the site of such memorial shall be approved by the National Commission of Fine Arts, and the United States shall be put to no expense in or by the erection thereof.

SEC. 3. The authority conferred pursuant to this joint resolution shall lapse unless (1) the erection of such memorial is commenced within 5 years from the date of passage of this joint resolution, and (2) prior to its commencement funds are certified available in an amount sufficient, in the judgment of the Secretary of the Interior, to insure completion of the memorial.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LECOMPTE asked and was given permission to extend his remarks in the Appendix of the RECORD and include a resolution of the City Council of the City of Ottumwa, Iowa.

Mr. TABER asked and was given permission to extend his remarks in the RECORD and include a letter from the Chairman of the Maritime Commission to Mr. TABER, dated June 9, Mr. TABER's reply thereto dated June 17, and a letter dated June 20, 1947, from the Comptroller General to Mr. TABER.

THE MARITIME COMMISSION

Mr. TABER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Speaker, I have been accused of many things this year by the bureaucrats who object to every effort to bring about business management in Government, but an all-time high was reached last Friday when the Chairman of the Maritime Commission accused the Comptroller General and me jointly of being responsible for closing up the offices of the Commission because we refused to enter into a conspiracy to violate the law. Lindsay Warren's and my shoulders are broad enough to stand up under such a charge.

The truth of the matter is that the Maritime Commission knew on July 1, 1946, just how much money they had to spend for administrative expenses this year. They did not keep books on it or they would have known then just how to adjust their personnel to stay within the limitation. They knew on the 15th of April this year that they had made such a mess of their bookkeeping and budgeting that they were in the red to the tune of $331,552 and had to do something to get in the clear. Instead of taking action which would have enable them to live within their budget, they attempted to persuade the Comptroller to permit them to violate the law in their accounts and wanted me to agree to it. Lindsay Warren and I have been around just a little too long to fall for that kind of business. This performance is typical of the way the Commission has run its business for a number of years as described in the report on the independent offices appropriation bill last week. Their string has played out; the Commission has had to close up and they say I am to blame.

They did not have the grace to come before the Appropriations Committee with a budget estimate in the usual way.

I have today inserted in the CONGRESSIONAL RECORD the correspondence which sets forth all the facts.

EXTENDING RECONSTRUCTION FINANCE CORPORATION

Mr. ALLEN of Illinois from the Committee on Rules, reported the following privileged resolution (H. Res. 252, Rept. No. 639), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3916) to amend the Reconstruction Finance Corporation Act, as amended, and to extend the succession and certain lending powers and functions of the Reconstruction Finance Corporation, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

THE LEGISLATURE OF PENNSYLVANIA KILLS COMMUNISTIC FEPC

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, while we are talking of sending the Voice of America to Moscow, I come this morning to call your attention to the "voice of Moscow" as it is sent to America through the Communist Daily Worker, which this morning attacks the Legislature of the State of Pennsylvania for its refusal to pass the crazy FEPC Act.

You will remember that they put that crazy measure on the ballot in California last fall and the people voted on it. It lost by a clear majority in every single county in California. They have tried to ram it through the legislatures of various other States and failed.

The committee on labor of the Legislature of Pennsylvania turned it down 17 to 8, then they tried to have the committee discharged. The legislature sustained the committee by an overwhelming majority.

They absolutely failed to bunko the people of Pennsylvania, or at least the legislature of that great State, into passing one of the most vicious pieces of Communist legislation ever proposed.

Remember this FEPC proposal is the chief plank in the Communist platform.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I am glad the gentleman recognizes the fact that in Pennsylvania we have a good, sound, sensible Republican administration.

Mr. RANKIN. Let me say to the gentleman from Pennsylvania that Republicans can get right when they try. I hope other intelligent Republicans throughout the country join with the intelligent Democrats in defeating this communistic measure every time it comes up.

The SPEAKER. The time of the gentleman from Mississippi has expired.

RUSSIAN OIL SHIPMENTS

Mr. SHAFER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SHAFER. Mr. Speaker, I had hoped to be able today to report to the Congress that action had been taken by the Office of International Trade to curtail the present record shipments of oil and other petroleum products from west coast ports to Russia. I regret I cannot make such a report, although I have been informed that studies are now being made relative to this disturbing situation and that some type of action will be taken soon.

For fear that the lethargy displayed by the Office of International Trade may have disastrous results to America, I call upon President Truman to take immediate action, under the powers that he possesses, to stop these shipments immediately. If the President or the Office of International Trade fail to act on this vital matter before tomorrow noon, I propose to introduce a concurrent resolution and ask for its immediate consideration.

When I addressed the House last Friday I stated that, as chairman of an armed services subcommittee responsible for stockpiling of strategic materials, I would conduct hearings to ascertain why oil was being permitted to leave this country in the face of the obvious shortage which confronts us.

Saturday morning representatives of the Office of International Trade of the Department of Commerce, which administers our Export Control Act, appeared before my subcommittee and testified extensively as to the oil shortage and the shipments I have referred to. It was then that the committee was advised that the matter was under study and that action would probably be taken soon. It was my hope that action would be taken over the week-end. This morning I was again informed that the matter is still under study.

Mr. Speaker, I have knowledge that distributors of gasoline and oil in the State of Michigan have been advised by their suppliers that deliveries of gasoline and oil would be greatly curtailed during the months of July and August. We know that because of the shortage of gasoline the Army aviation training program has to be curtailed, as has the movement of our naval vessels. The situation is becoming so acute that there is a possibility of gasoline rationing and of a lack of fuel oil to heat homes in the Middle West next winter.

I am not at all satisfied, Mr. Speaker, with the replies given to me by representatives of the Office of International Trade and their promise that action will be taken soon. This is a matter that demands immediate attention. The people of the Nation are greatly disturbed. They want to know why we are permitting oil to be shipped in large quantities to a nation that is refusing to cooperate with us and which, we know, is now holding naval maneuvers in the Pacific Ocean and the Bering Sea. The people do not want this Government to repeat the stupid mistake that was made prior to Pearl Harbor when we shipped oil and scrap metal to Japan.

Mr. Speaker, I refuse to permit American oil to be shipped to Russia or any other country when this Nation faces a shortage of that same product. I recognize the political implications involved in what I am demanding this country to do. I recognize the technical difficulties that always arise when controls are placed on a product such as petroleum. I recognize that there are various gasolines with various octanes and I am fully aware of the fact that the by-products of petroleum must also be considered. However, for once in our lives, let this country lock the door before the horse is stolen.

EXTENSION OF REMARKS

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks in the Record and include editorial comment.

OIL EXPLORATION

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. MILLER of Nebraska. Mr. Speaker, while I share in the apprehension of the gentleman from Michigan [Mr. SHAFER] about the oil reserves in this country, I, too, believe that we should carefully review the shipments of oil now going to Russia. If they are as reported they should be stopped or greatly restricted. I call the attention of the House to the fact that this morning the Committee on Public Lands reported out a resolution which furthers the obtaining of oil from shale as well as from agricultural products in this country. It was brought out in the hearing that there is enough oil in the shale of the United States to last us some 2,000 years at the present rate of using oil. So, I hope when this resolution comes before the House the Members will join in its passage in order to assist in the experimental work not only on shale and agricultural products, but other sources from which we may obtain oil.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman not think that we ought to stop the exportation of gasoline to Russia right away?

Mr. MILLER of Nebraska. It ought to be carefully reviewed by the proper committee. I am interested, however, that shale and agriculture products be utilized. We have from time to time surplus agriculture products. If these are used to produce alcohol it can be blended with gasoline and thus solve our problem of surpluses on the farm.

The SPEAKER. The time of the gentleman from Nebraska has expired.

MARITIME EMPLOYMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 342)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the House of Representatives of the United States:

In accordance with the obligations of the Government of the United States of America as a member of the International Labor Organization, I transmit herewith the authentic texts of nine conventions and four recommendations with respect to maritime employment which were adopted at the Twenty-eighth (Maritime) Session of the International Labor Conference at Seattle, Wash., June 6 to 29, 1946.

The constitution of the International Labor Organization provides in article 19 thereof that each member is obligated within a year after the closing of a session of the conference to bring each convention or recommendation adopted at such session before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action. In the case of a convention, the member is obligated, upon obtaining the consent of the authority or authorities within whose competence the matter lies, to report the formal ratification and to take the necessary action to bring the provisions of such convention into effect. The member is obligated, in the case of a recommendation, to report the action taken. It is required under article 35 of the constitution of the International Labor Organization that, subject to certain exceptions, members will apply conventions which they have ratified to their colonies, protectorates, and possessions which are not self-governing. In the case of a federal government, the power of which to enter into conventions on labor matters is subject to limitations, article 19 provides also that a convention to which such limitations apply may be treated as a recommendation.

It is indicated by established practice that submission to the legislative body is essential to the full observance of the obligations of membership. Under the present constitution of the Organization, no further action is required "if on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies."

Accordingly I am also transmitting the authentic texts of the conventions and recommendations adopted at the twenty-eighth session of the International Labor Conference to the Senate of the United States of America with a view to receiving the advice and consent of that body to ratification of certain of those conventions and to obtaining legislative action by that body concurrently with the House of Representatives to give effect to certain of those conventions and recommendations.

I ask that you consider legislative implementation of certain of those conventions and recommendations in the light of the comments contained in the report of the Secretary of State and the communications of the Secretary of Labor, the Acting Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Chairman of the United States Maritime Commission, the Federal Security Administrator, and the Assistant Secretary of Agriculture, copies of which are attached.

(Enclosures: (1) Authentic text of conventions and recommendations; (2) report of Secretary of State; (3) message to the Senate; (4) from Secretary of Labor; (5) from Acting Secretary of the Treasury; (6) from the Attorney General; (7) from Secretary of Commerce; (8) from Chairman of the United States Maritime Commission; (9) from the Federal Security Administrator; (10) from Assistant Secretary of Agriculture; (11) memorandum from Shipping Division, Department of State.)

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 23, 1947.*

CARRY-OVERS TO REORGANIZED RAILROADS

Mr. JENKINS of Ohio. Mr. Speaker, by direction of the Committee on Ways and Means, I ask unanimous consent for the immediate consideration of the bill (H. R. 3861) to allow to a successor railroad corporation the benefits of certain carry-overs of a predecessor corporation for the purposes of certain provisions of the Internal Revenue Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. FORAND. Mr. Speaker, I reserve the right to object because I consider this to be a very important bill—in fact, much too important to be considered by unanimous consent—and to give the gentleman from Ohio an opportunity to explain the bill.

Mr. JENKINS of Ohio. Mr. Speaker, I shall be glad to do so and do the best I can by way of an explanation of this bill. Its purpose is to equalize the taxation of reorganized railroads by removing an existing discrimination against certain railroads. This discrimination arises out of the fact that under the laws of some States railroads emerging from bankruptcy or receivership are not able to use their old charters in effecting their reorganization. This causes them to be treated for Federal tax purposes as a different taxpayer from the old company and results in their being denied the benefit of the carry-over provisions. A bill similar to this one passed the House 2 years ago and went to the Senate. It was included as a rider to the tax-adjustment bill of 1945. The Senate eliminated the provision without prejudice on the ground that it was not germane to that bill and also in order that certain questions might be cleared up in public hearings. The Committee on Ways and Means had rather complete hearings on the matter this year and came to an agreement.

Here is what the bill involves——

Mr. FORAND. Did the gentleman say that the committee had complete hearings?

Mr. JENKINS of Ohio. I thought we had.

Mr. FORAND. I think they were very brief hearings, and they were in executive session, if the gentleman will recall.

Mr. JENKINS of Ohio. The hearings have been published and are available to the House. I believe the gentleman would agree with me that practically everybody who could have been interested in this matter was present. The Treasury was there, and our experts employed by the Committee on Ways and Means were there. The committee was in executive session, and we had a rather full membership present. Nothing would have been accomplished—nothing much, at least, could have been accomplished by any further hearings. Does not the gentleman think so?

Mr. FORAND. The fact still remains that at the first executive session following the hearings certain parts of the bill were ordered to be rewritten.

Mr. JENKINS of Ohio. Yes.

Mr. FORAND. Those parts were rewritten and last week—I believe it was last Wednesday or Thursday—in executive session the committee decided to report out this bill. When I asked for information the gentleman will recall that nobody could actually explain the bill. The author could not explain the bill and the gentlemen from the legislative counsel could not explain it without the help of the Treasury.

Frankly I feel this way about it—when I smell smoke I look for fire.

The railroad lobby has been extremely busy during this session, and within the last 3 or 4 days this is the third relief bill for railroads that has come to us. Were it not for the fact that I realize that the majority could very well bring this bill up under suspension of the rules or in pursuance of a rule from the Committee on Rules and pass the bill over my objection, I definitely would fight to the end on it.

If I understand the bill properly, and I hope I do, it means that railroad corporations coming out of receivership and reorganizing under a new charter will definitely have the same tax benefit that the predecessor corporation would have. Is that correct?

Mr. JENKINS of Ohio. Yes. If the gentleman will permit me to explain it, I think the gentleman would agree with me. I want to compliment the gentleman on his assiduity in insisting on this matter being brought out clearly. I think it has been done. If there is any disagreement between the gentleman and myself, it is only on the question of

whether or not we have had enough explanation. I think we have, and I think the other members of the committee thought we had. The Treasury had a representative there. He was a very capable man, and as the gentleman knows, he is one of the most capable in the country. He said that the Treasury had had some objection at one time, but new language had been put in the bill and the representative of the Treasury himself helped write the new language. I think in all fairness the matter now is just about as good as it can be made. As far as any railroad lobby is concerned, I know nothing of that. I do not represent any of the railroads and none of the railroads interested in this legislation are in my district. So I have no interest whatever in it. I am sure the gentleman has no personal interest in it either. All these reorganized railroads must clear through the courts. Many are in court now. They must pass the scrutiny of the judge and of the examiners. They must pass the scrutiny of the Interstate Commerce Commission. All railroad reorganizations must be and have been approved by both of these agencies.

Mr. FORAND. Will the gentleman deny that under the reorganization of these railroads the liabilities are all wiped away and the stock is purchased at a very small number of cents on the dollar?

Mr. JENKINS of Ohio. No. When the railroads go into receivership in these cases, the bondholders become the owners of the property. The equity of the stockholders is generally wiped out. This bill will apply to a number of small railroads. I think all of them are small railroads that have gone into receivership. Some may be a little larger, of course, than others. They were forced into receivership during the depression. Most of them have been in receivership ever since. There were 33 of them. One was liquidated and that made 32. Out of the 32 there were 18 that have terminated the receivership or bankruptcy. Eight of them came out with their old charter. The other 10 have come out also, but these 10 came out under a cloud as compared with the 8. The eight came out with their old charter. The 10 did not because in those States they could not come out with their old charter because the State law would not permit them to do so. They should have the same tax consideration as the others since there is no difference between a railroad reorganization under the old charter and a reorganization under a new charter. It is simply that in the latter case the new company technically becomes a different corporate entity. If you do not pass this legislation, 10 railroads will be at a disadvantage over the rest. I am sure the gentleman does not want that.

Mr. FORAND. But after all, two wrongs do not make a right. It is my contention that when a railroad comes out of receivership they should not have any tax relief that would have accrued to the predecessor corporation.

Mr. JENKINS of Ohio. Well, here were eight railroads that came out under their own charter which got this tax relief. Ten came out but they were forced to take another charter. They are not a different company. It is the same management, the same roadbed and equipment, and the same employees. The Treasury figures this way, and I think properly: It is better to have these 10 railroads running on their own feet, so to speak, than to have them in receivership and under the cloud of a court.

Mr. FORAND. The gentleman will admit that many of these railroads could have come out of receivership but they preferred to remain in that status.

Mr. JENKINS of Ohio. Well, I do not know. I have heard that stated. Of course by staying in bankruptcy or receivership these roads do not run the risk of losing the carry-over benefits as they do by coming out. This bill corrects that situation.

Mr. FORAND. It was so testified at our hearings.

Mr. JENKINS of Ohio. But that is not at issue here, because the Treasury would know about that. The Treasury has not raised that question. I am fairly convinced, from the hearings and from all I know about it and from the way these experts handled it, that it would be for the best interests of the country if these railroads could be brought out. None of them are very strong. They want to get out and walk on their own feet. I think the Treasury is doing them a favor by giving them that consideration. The Treasury does not give them a dollar. All it gives them is permission to carry forward the same as the other railroads. The gentleman surely would not be in favor of having these railroads come out crippled and with an additional burden put on them over and above that which is put on other railroads.

Mr. FORAND. I do not want any additional burden put on them, but I do not want to give them any extra benefits. In fact, as I see this, it is an extra benefit for a new corporation. Most of the stockholders are new stockholders. They do not assume the responsibility of the predecessor railroad and yet they want the tax benefit that would have accrued to the predecessor railroad.

Mr. JENKINS of Ohio. My experience has taught me this: There are many people who think that when a railroad goes through receivership that somebody profits a lot. Of course, many a little stockholder will lose his hundred dollars, but many a large stockholder will lose a hundred thousand dollars. But when they come out they come out under the sanction of the court. There are not enough assets to pay off the stockholders and the bondholders, and the bondholders have first priority. Their rights are established by the bankruptcy or receivership proceedings and by thus perfecting their equitable title they in effect become the legal owners. The Treasury recognizes this. The judge and his assistants and his commissioners have taken the testimony. The Interstate Commerce Commission must first approve it. When these railroads come out they ought to be permitted to come out with the same rights and the same privileges as any other railroad. They ought not be loaded down. I sympathize with the gentleman in his procedure. I think the gentleman is to be complimented, but I do not think he need have any fears in this case.

Mr. FORAND. Is there any date within which these corporations who are now seeking this relief must avail themselves of this law?

Mr. JENKINS of Ohio. Yes, at the end of this year. The relief under this law will terminate January 1, 1948.

Mr. FORAND. And after that they are all out?

Mr. JENKINS of Ohio. Yes; they are all out.

Mr. FORAND. Those who do not take advantage of it?

Mr. JENKINS of Ohio. That is right. They are out.

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. DOUGHTON. This is purely a tax matter, is it not?

Mr. JENKINS of Ohio. Absolutely.

Mr. DOUGHTON. The Treasury had an expert there, who is always alert as to tax matters. This matter was fully discussed. If he could have found any objection or any criticism from the standpoint of the Treasury, I am satisfied he would have found it. I became satisfied there was nothing unfair about it as far as the tax matter is concerned. I do agree with the gentleman from Rhode Island [Mr. FORAND], and he is to be complimented on his position, but after this is cleared through our committee, and cleared through the Treasury Department, which is always alert as to tax matters, I feel there is no reasonable ground for objection to this bill.

Mr. FORAND. I still feel that the railroad lobby has been extremely busy to the point where this is their third bill within 3 days to come before the Congress. It seems to me we should be on the alert.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. FORAND. I yield.

Mr. DINGELL. I wish someone to give me assurance that there is no possibility that this legislation may be used as a device to escape the payment of legitimate taxes.

Mr. JENKINS of Ohio. I think we may rely upon the Treasury Department as to that. The Treasury insisted in drafting this bill in its present form. This additional burden has been placed on the railroads by reason of an old Supreme Court decision. The decision was not in a railroad-company case, it was on an entirely different kind of operation, but it was to the effect that where a company reorganized under a different charter, and changed its name they were held to be a new company.

As a lawyer I am glad to think that whenever these railroad companies or any other companies go through the process of bankruptcy, receivership, they cannot come out unless they have the sanction of the judicial courts and of the Interstate Commerce Commission, which is a quasi-judicial tribunal. This bill does not affect any other company or corporation of any kind in any way at any time.

Mr. DINGELL. The gentleman offers me the assurance and to the House also, that it is not possible to use this as a device to get away from paying legiti-

mate taxes—through the device of reorganization.

Mr. JENKINS of Ohio. Most emphatically not; I may say to the gentleman that should such a thing develop I would join with him in amending the law.

In order that the Members may be as fully informed as possible about the provisions and purpose of this bill, I extend the report of the Committee on Ways and Means, which studied the bill:

CARRY-OVERS TO REORGANIZED RAILROADS

Mr. JENKINS, from the Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred the bill (H. R. 3861) to allow a successor railroad corporation the benefits of certain carry-overs of a predecessor corporation for the purposes of certain provisions of the Internal Revenue Code, having had the same under consideration, report it back to the House without amendment and recommend that the bill do pass.

GENERAL STATEMENT

Under existing law, if a railroad corporation is reorganized in a receivership proceeding or in a proceeding under section 77 of the National Bankruptcy Act, as amended, and the reorganization is effected through the organization of a new corporation, any carry-overs of net operating losses or unused excess profits credits of the old corporation cannot be used by the new corporation. The reorganized corporation is regarded as a different taxpayer from the old corporation. Consequently, railroads coming out of receivership or bankruptcy proceedings are treated differently, depending upon whether they can be reorganized under the same charter or under a new charter. The bill removes this discrimination by allowing to railroad corporations, which have acquired, prior to January 1, 1948, property of other railroad corporations in receivership proceedings or proceedings under section 77 of the Bankruptcy Act, the net-operating-loss carry-over and the unused excess-profits-credit carry-over of the railroad corporations from which such property was acquired in such proceedings. The bill applies only where the property for tax purposes has the same basis in the hands of the new corporation as it had in the hands of the old corporation, and the relief is limited to railroad corporations as defined in section 77m of the National Bankruptcy Act.

The relief is retroactively applied to extend the benefits to railroads which have already completed their reorganization. A safeguard is written in the bill which is intended to prevent the railroad reorganized in the receivership or bankruptcy proceedings under a new charter, from getting any greater tax relief than it would have been entitled to, if it had reorganized under its old charter.

It is necessary to give the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, authority to prescribe regulations to determine the manner and the extent in which such carry-overs will be applied. It is intended that the regulations will not be arbitrary but fair and reasonable in their application.

Hearings were held by your committee on May 26, 1947, at which time representatives of the railroads and the Treasury Department were heard.

According to testimony given your committee at the hearings, 33 class I railroads have been involved in bankruptcy or receivership proceedings since the last depression. Of these roads, 18 have been reorganized and 1 has been liquidated. Fourteen are still in the process of reorganization. Of the 18 railroads whose reorganization has been completed, 8 were able to resume operations under their old charters and hence have no problem regarding the use of the carry-over and carry-back provisions. This is also the case as regards the 14 roads still in bankruptcy or receivership. Of the 10 reorganized railroads which were compelled to use new charters in effectuating their reorganization, only 7 have any direct financial interest in this legislation. These are: Akron, Canton & Youngstown Railroad Co., Chicago & Eastern Illinois Railroad Co., Gulf, Mobile & Ohio Railroad Co., Minnesota & St. Louis Railway Co., Minneapolis, St. Paul & Saulte Ste. Marie Railroad Co., Spokane International Railroad, and Wabash Railroad Co. The total amount of potential tax liability involved is $7,500,000, which represents the additional taxes which these seven railroads otherwise will have to pay merely on account of being compelled under State law to use a new charter on reorganization. The major part of this amount, however, has not been paid into the Treasury and therefore will not necessitate a tax refund. So far as the foregoing seven railroads are concerned, only carry-overs are involved.

The Treasury has no objection to this legislation and your committee is of the opinion that it should be promptly enacted into law. It is believed that the enactment of this legislation will tend to remove one of the impediments holding railroads in receivership.

DETAILED DISCUSSION OF THE TECHNICAL PROVISIONS OF THE BILL

The bill applies to railroad corporations (as defined in sec. 77m of the National Bankruptcy Act, as amended) which have acquired, prior to January 1, 1948, property of other such railroad corporations in a receivership proceeding or in a proceeding under section 77 of the National Bankruptcy Act, as amended, where the basis of the property so acquired is determined under section 113 (a) (20) of the Internal Revenue Code. The corporation which has thus acquired property is referred to as the successor corporation and the corporation from which the property was so acquired is referred to as the predecessor corporation.

In the case of a successor corporation, section 1 provides for the treatment of the net operating losses and unused excess profits credits of the predecessor corporation as carry-overs to the successor corporation for the purposes of the determination under the Internal Revenue Code of the "net operating loss carry-over" from any taxable year beginning after December 31, 1938, and the "excess profits credit carry-over" and the "unusued excess profits credit carry-over" from any taxable year beginning after December 31, 1939, in each case under the law applicable to such taxable year. Thus, the method of computation of the carry-overs as well as the years for which such carry-overs are available (except as provided in subsections (b) and (c) of sec. 1) and the computation of the net operating loss deduction and the unused excess profits credit adjustment (called the excess profits credit carry-over for taxable years beginning in 1940) are governed by the provisions of the applicable law under the Internal Revenue Code.

In general, the successor corporation will not be allowed a carry-over to a taxable year, or a carry-over from a taxable year, which would not be allowed to the predecessor corporation under the Internal Revenue Code if the predecessor corporation had been made use of under the receivership proceedings or the proceedings under section 77 of the Bankruptcy Act instead of the successor corporation. Thus, except as provided in subsections (b) and (c) of section 1, carry-overs will be allowed, as provided under the code, only to the two immediately succeeding taxable years, and carry-overs will not be created from any year if the otherwise applicable provisions of the Internal Revenue Code provide no carry-over from such year. The provisions of subsection (a) of section 1 to the effect that there shall be carried over to the successor corporation the net operating losses and unused excess profits credits of the predecessor corporation from the second taxable year preceding its taxable year in which the acquisition occurred is applicable as to such second preceding year only if subsection (c) of section 1 is applicable.

The carry-overs provided for under subsection (a) of section 1 are to be allowed only in the manner and to the extent provided in regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, as necessary to apply such net operating losses and unused excess profits credits as carry-overs so far as possible as if the predecessor corporation had been made use of in such proceedings instead of the successor corporation. Because of the probable variation in the circumstances presented in each case, it is believed that the rules for the determination of the carry-overs to the successor corporation may best be promulgated in regulations of the Commissioner, giving reasonable and proper effect to the general policy set forth in the bill.

It is not contemplated that where the predecessor corporation has continued in existence after the acquisition that such carry-overs will be denied to the predecessor; rather it is contemplated that in such a case carry-overs shall be available to the successor only to the extent not used by the predecessor, as determined in the regulations with respect to such carry-overs. In any case, the net operating losses and unused excess-profits credits of the predecessor corporation shall not be carry-overs to any taxable year of the successor corporation prior to the taxable year of the successor corporation in which the acquisition occurred.

Subsection (b) of section 1 provides a rule applicable to every case where the taxable year of the successor corporation in which the acquisition occurred and the taxable year of the predecessor corporation in which the acquisition occurred overlap in whole or in part. This rule is designed to clarify the application of subsections (a) and (c) of section 1 in determining the immediately succeeding taxable years to which there may be a carry-over. Under the rule the taxable year of the successor in which the acquisition occurred is the first taxable year succeeding the taxable year of the predecessor in which the acquisition occurred, and subsequent taxable years of the successor follow in order. Any such succeeding taxable year may, of course, also be an "intervening" taxable year for the purposes of the application of sections 122 and 710 (c) of the code.

Subsection (c) of section 1 prescribes a rule for the application of section 1 to cases in which the period, beginning on the first day of the taxable year of the predecessor corporation in which the acquisition occurred and ending on the last day of the taxable year of the successor corporation in which the acquisition occurred, is not more than 12 months. In such a case, subsection (c) of section 1 provides that the number of taxable years to which such net operating loss or unused excess profits credit is a carry-over shall be three instead of two. This rule is directed to situations in which, in effect, the period in which fall the taxable years (of predecessor and of successor) in which the acquisition occurred would have been but one taxable year of the predecessor corporation if the predecessor corporation had been made use of in the proceeding instead of the successor corporation. In such a case, under existing law, the taxable year of the predecessor in which the acquisition occurred and the taxable year of the successor in which the acquisition occurred are, of course, separate taxable years of two distinct taxpayers, and each

would be counted as a taxable year. Accordingly, if it were not for the provisions of subsection (c), the successor would not obtain the benefits of the carry-overs to the extent contemplated by the bill.

The operation of this provision is illustrated by the following example: A predecessor corporation made its returns on the calendar-year basis. The acquisition occurred on August 31, 1940, and the corporation was dissolved on the same date; accordingly, it made a return for the short taxable year ending August 31, 1940. Its successor corporation was organized on July 1, 1940, and made its return for its first taxable year for the short taxable year ending on December 31, 1940; thereafter it made its returns on the calendar-year basis. The predecessor corporation sustained a net operating loss in 1939, which was a carry-over to the predecessor corporation for its taxable year beginning January 1, 1940, and ending August 31, 1940, and (to the extent it remained unused in whole or in part) to the taxable year of the successor corporation beginning July 1, 1940, and ending December 31, 1940 (under the provisions of subsections (a) and (b) of section 1). By reason of the provisions of subsection (c) of section 1 there may also be a carry-over to the taxable year of the successor corporation beginning January 1, 1941 (the third succeeding taxable year). In any case, the amount to be carried over to such succeeding taxable years of the successor corporation is to be determined under regulations prescribed so as to allow the amount of any such carry-overs to be determined as nearly as possible in the same manner as prescribed in the code. It is contemplated that in such a case, the carry-over, if any, to the third succeeding taxable year will be computed by making adjustments for each of the two intervening taxable years immediately prior to such third taxable year.

In the application of subsection (c) of section 1 to the carry-over of any unused excess-profits credit, it is contemplated that the regulations will prescribe such adjustments as are necessary in the case of carry-overs from taxable years of less than 12 months in which the acquisition occurred in order that such carry-overs shall, as nearly as possible, be the same in amount as if the predecessor corporation had been made use of in such proceeding instead of the successor corporation. In order to prevent too great a portion of an unused excess-profits credit carry-over being absorbed in intervening taxable years of less than 12 months by reason of the annualization of excess-profits net income for such a short year under section 711 (a) (3), it is also contemplated that the regulations will prescribe a method of adjusting the adjusted excess-profits net income for such intervening years for the purposes of carry-overs to succeeding taxable years under section 710 (c) of the code.

Section 2 of the bill is a provision limiting the effect of the provisions of section 1 of the bill.

Subsection (a) of section 2 provides for a comparison of the aggregate of the income and excess-profits taxes of the successor corporation for any taxable year, determined without regard to any carry-overs permitted by this bill, with the aggregate of the income and excess-profits taxes that would have been imposed on the predecessor corporation for such taxable year if the predecessor corporation had been made use of in the proceeding instead of the successor corporation. Where for any taxable year the successor's aggregate so determined without regard to the carry-overs permitted by the bill is less than the aggregate of the predecessor for such year, each tax, so determined, making up the successor's aggregate for such year shall constitute its tax for such year.

Subsection (b) of section 2 provides that where the successor's aggregate, though not less than the aggregate of the predecessor, would be reduced to a lesser amount than the predecessor's aggregate by an application of section 1 of the bill, the successor's taxes for that year, notwithstanding the provisions of section 1, shall be the taxes that would have been imposed on the predecessor corporation; that is, the same as the taxes that make up the predecessor's aggregate. The comparisons required by section 2 must be made for those taxable years of the successor corporation to which there is a carry-over from the predecessor. Thereafter the comparisons need not be made.

For the purposes of both subsections (a) and (b) of section 2, the taxes that would have been imposed on the predecessor had it been made use of in the proceeding instead of the successor (that is, the taxes that make up the predecessor's aggregate) are to be determined under regulations prescribed by the Commissioner with the approval of the Secretary of the Treasury.

Section 2 of the bill is operative only to limit the net tax reduction that would otherwise result from an application of the provisions of section 1 of the bill, and any carry-overs permitted by section 1 are to be considered as having been used for the year to which section 2 applies to the extent that they would have been used had section 2 not been applicable.

Section 2 may be illustrated by the following examples in which it is assumed that the corporations made their returns on the calendar-year basis:

Example 1. As of the beginning of January 1, 1942, the successor corporation acquired all the properties of the predecessor corporation, the predecessor corporation being dissolved immediately thereafter. The successor corporation was a new corporation, having no capital, no income, and no deductions prior to this acquisition. For 1942, under section 1 of this bill, the successor was allowed a net operating loss carry-over and an unused excess profits credit carry-over from its predecessor. There were no other carry-overs or carry-backs. The taxes of the successor for 1942 computed without regard to the carry-overs provided by this bill were as follows:

Excess profits tax	$1,800,000
Normal tax	1,920,000
Surtax	1,280,000
Aggregate of taxes	5,000,000

Assume that if the predecessor corporation had been used in place of the successor in the proceeding, its deductions and its excess-profits credit would be less than that of the successor. The taxes that would have been imposed upon the predecessor for 1942, computed with its carry-overs, had it been used in place of the successor were as follows:

Excess profits tax	$2,250,000
Normal tax	1,920,000
Surtax	1,280,000
Aggregate of taxes	5,450,000

Since the aggregate of the taxes imposed on the successor without regard to this bill ($5,000,000) is less than the aggregate that would have been imposed on the predecessor if it had been used in place of the successor ($5,450,000), the successor has received full benefit from the proceeding and is not entitled to any tax reduction for such taxable year by the application of this bill.

Example 2. In this example, involving the same corporations for the same taxable year, there is no net operating loss carry-over from the predecessor corporation but there is an unused excess-profits credit carry-over, and the excess-profits credit of the predecessor if it had been used in place of the successor is more than such credit in example 1. The taxes of the successor corporation, computed without regard to any carry-overs, are the same as in example 1. The taxes that would have been imposed on the predecessor for 1942 in this example were as follows:

Excess-profits tax	$900,000
Normal tax	2,160,000
Surtax	1,440,000
Aggregate of taxes	4,500,000

Section 2 (a) of the bill, illustrated in example 1, does not apply since the aggregate of the taxes imposed on the successor without regard to the bill ($5,000,000) is not less than the aggregate that would have been imposed on the predecessor had it been used in place of the successor in the proceeding ($4,500,000). However, the taxes of the successor computed with the carry-overs for 1942 provided by section 1 of the bill were as follows:

Excess-profits tax	0
Normal tax	$2,400,000
Surtax	1,600,000
Aggregate of taxes	4,000,000

The aggregate of the taxes of the successor computed with the carry-overs provided by section 1 of this bill ($4,000,000) is less than the aggregate of the taxes that would have been imposed on the predecessor if it had been used in the proceeding in place of the successor ($4,500,000). Subsection (b) of section 2 provides that in such a case, where subsection (a) of section 2 does not apply, the taxes of the successor corporation shall be the taxes that would have been imposed on the predecessor corporation if it had been so used in place of the predecessor. Accordingly, the taxes of the successor corporation for such taxable year are as follows:

Excess-profits tax	$900,000
Normal tax	2,160,000
Surtax	1,440,000

Of course, if in this example the aggregate of the taxes of the successor computed with the carry-overs provided by section 1 of the bill were not less than the aggregate of the taxes that would have been imposed on the predecessor if it had been used in the proceedings in place of the successor, the taxes of the successor would be its taxes computed with the carry-overs provided by section 1.

Section 3 of the bill provides that where there are two or more predecessor corporations or two or more successor corporations the provisions of sections 1 and 2 of the bill shall be applied only to such extent and subject to such conditions, limitations, and exceptions as the Commissioner, with the approval of the Secretary, may by regulations prescribe. This provision is necessary because of the problems presented where more than one railroad corporation is involved in the proceeding and under the order of the court a combination into a single successor corporation is effected or a single corporation is split into two or more corporations. Thus, in some cases one or more of such predecessor corporations may have filed consolidated returns with another of the predecessor corporations whereas there may be additional corporations involved which were not so consolidated. In view of the probable variation in the circumstances presented in each case and in view of the Commissioner's experience with many similar types of situations, for example, those arising where corporations file consolidated returns, it is desirable that the Commissioner apply the statute to these cases under regulations prescribed by him with the approval of the Secretary, giving reasonable and proper effect to the general policy set forth in the bill.

Section 4 of the bill extends, for not more than 1 year after the date of the enactment of the bill, the period of limitation as to all years affected by the bill if the refund or credit of any overpayment to the

extent resulting from the application of the bill is prevented on the date of its enactment or within 1 year from such date, except where refund or credit is prevented by section 3761 of the Internal Revenue Code relating to compromises. In such cases where section 4 extends the period of limitation, the overpayment shall be refunded or credited if claim therefor is filed within 1 year from the date of enactment of the bill. The overpayment is to be credited or refunded in the manner provided in the Internal Revenue Code. However, no interest is to be allowed or paid on any overpayment or deficiency resulting from the application of the bill. If an overpayment allowed under this bill (for example, in an amount of excess profits tax) results in a deficiency in a related tax (for example, in an amount of income tax) which deficiency, however, would be barred by the statute of limitations such deficiency may be assessed and collected as provided in section 3807 of the Internal Revenue Code.

Mr. FORAND. Mr. Speaker, I realize I cannot stop the passage of this legislation. It can be brought up by other means, either under a rule or under suspension of the rules. For this reason I withdraw my objection, but I shall vote against the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) if a railroad corporation (as defined in section 77m of the National Bankruptcy Act, as amended) (hereinafter referred to as successor corporation) has acquired, prior to January 1, 1948, property from another such railroad corporation (hereinafter referred to as predecessor corporation) in a receivership proceeding, or in a proceeding under section 77 of the National Bankruptcy Act, as amended, and if the basis of the property so acquired is determined under section 113 (a) (20) of the Internal Revenue Code, then, for the purposes of the determination under the Internal Revenue Code of—

(1) the "net operating loss carry-over" from any taxable year beginning after December 31, 1938, under the law applicable to such taxable year; and

(2) the "excess profits credit carry-over" or the "unused excess profits credit carry-over" from any taxable year beginning after December 31, 1939, under the law applicable to such taxable year,

the net operating losses and the unused excess profits credits of such predecessor corporation for the taxable year in which the acquisition occurred and for the two preceding taxable years shall be carry-overs to such successor corporation in the manner and to the extent provided in regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, as necessary to apply such net operating losses and unused excess profits credits as carry-overs so far as possible as if the predecessor corporation had been made use of in such proceeding instead of the successor corporation.

(b) For the purposes of this section, the taxable year of the successor corporation in which the acquisition occurred shall be considered as a taxable year succeeding the taxable year of the predecessor corporation in which the acquisition occurred.

(c) For the purposes of this section, if the period, beginning on the first day of the taxable year of the predecessor corporation in which the acquisition occurred and ending on the last day of the taxable year of the successor corporation in which the acquisition occurred, is not more than 12 months, the number of taxable years to which such net operating loss or unused excess profits credit is a carry-over shall be three instead of two, and such regulations shall prescribe (as nearly as possible in the same manner as provided in section 122 (b) (2) and section 710 (c) (3) (B) of such code) the amount to be carried over to the last of such succeeding years.

SEC. 2. (a) In the case of any taxable year of the successor corporation, if—

(1) the aggregate for such taxable year of the taxes of the successor corporation imposed by chapter 1 and subchapter E of chapter 2 of the Internal Revenue Code, computed without regard to this act,

is less than the amount of—

(2) the aggregate of such taxes (determined under regulations prescribed by the Commissioner with the approval of the Secretary) that would have been imposed on the predecessor corporation for such taxable year if the predecessor corporation had been made use of in such proceeding instead of the successor corporation,

then the taxes of the successor corporation for such taxable year shall be the taxes computed without regard to this act.

(b) In the case of any taxable year to which subsection (a) of this section is not applicable, if—

(1) the aggregate for such taxable year of the taxes of the successor corporation imposed by chapter 1 and subchapter E of chapter 2 of the Internal Revenue Code, computed without regard to this section,

is less than the amount of—

(2) the aggregate of such taxes (determined under regulations prescribed by the Commissioner with the approval of the Secretary) that would have been imposed on the predecessor corporation for such taxable year if the predecessor corporation had been made use of in such proceeding instead of the successor corporation,

then the taxes of the successor corporation for such taxable year shall be the taxes so determined under regulations as the taxes that would have been imposed on the predecessor corporation for such taxable year.

SEC. 3. Where there are two or more predecessor corporations or two or more successor corporations, the provisions of sections 1 and 2 of this act shall be applied only to such extent and subject to such conditions, limitations, and exceptions as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

SEC. 4. If the allowance of a credit or refund of an overpayment of tax resulting from the application of this act is prevented, on the date of the enactment of this act or within 1 year from such date, by the operation of any law or rule of law other than this section and other than section 3761 of the Internal Revenue Code, such overpayment shall be refunded or credited in the manner provided in the Internal Revenue Code if claim therefor is filed within 1 year from the date of the enactment of this act. No interest shall be allowed or paid on any overpayment or deficiency resulting from the application of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include with my remarks the committee report so that every bit of information we have may be in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NURSERIES AND NURSERY SCHOOLS IN THE DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I call up the bill (S. 751) to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1948, and for other purposes, and ask unanimous consent that it may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize and direct the Board of Public Welfare of the District of Columbia to establish and operate in the public schools and other suitable locations a system of nurseries and nursery schools for day care of school-age and under-school-age children, and for other purposes," approved July 16, 1946 (Public Law 514, 79th Cong.), is amended by striking out the date "June 30, 1947" and inserting in lieu thereof the date "June 30, 1948."

SEC. 2. Such section is further amended by striking out "or who are so handicapped that they cannot otherwise provide for the day care of their children"; and by adding at the end of such section the following new sentence: "Appropriations made under the authority contained in section 4 of this act shall be available for the maintenance and operation of such of the buildings and grounds (as may be designated and approved by the Commissioners of the District of Columbia under the provisions of this section) in and on which such nurseries and nursery schools may be established, maintained, and operated."

SEC. 3. Section 4 of such act is amended by striking out "$500,000" and inserting in lieu thereof "$150,000."

Mr. MILLER of Nebraska. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this bill from the Committee on the District of Columbia, deals with day-care centers for children. The day-care centers were established in 1942, during the war. This bill has been under consideration by a subcommittee. The subcommittee did not report the bill unanimously. I take the floor at this time to speak to the membership about some phases of the situation and follow their judgment in the matter.

As I said, day-care centers were established in 1942 for the purpose not to take care of children but to provide a place where working mothers could take their children while they were participating in the war effort. Congress has, from year to year, reenacted the bill and extended it.

The question presents itself: Shall the Congress continue to authorize day-care centers in the District of Columbia and for how long, and to what extent?

I think the membership will be interested in the fact that the Commissioners who now have the authority and responsibility over these centers while, personally they think it would be nice to continue these day-care centers, are asking themselves whether the District can afford them. In other words the war is over and, like a prudent man, we must ask ouselves not whether we want this

but whether we can afford child-day centers.

In the Seventy-ninth Congress this activity was transferred to the Public Welfare Department which now has control of the care of children. They report it cost about $11.50 a week for a 5-day week, almost $60 a month, for the care of these children. The parents pay an average of $3.60 a week for this service for their children. It is governed by what the parents can afford to pay. They take in the children of mothers who are working and of families that earn up to $5,000 a year. The average age of the children in these centers is from 2 to 11 years of age.

The operation since the Public Welfare people have taken it over seems to have been very good. The Congress appropriated last year $250,000. The bill passed by the other body recently provides for $151,000. The welfare group say they cannot operate the 13 centers, but can operate perhaps seven or eight centers with that amount of money.

There is now a waiting list of children that want to come into these centers. The working mothers need such a center. I do not think many of them could work without having it.

The question is, of course, how far shall the District go with this type of work. Some cities have similar projects. For instance, New York, Chicago, San Francisco, Los Angeles, and Denver. I understand Baltimore does not have it. There are only about seven or eight large cities that have a complete child-care service. Some places have a limited service.

I may say that the full District Committee took some action asking that the subcommittee study the quesion more in detail and bring back a report and recommendation as to whether the District should take over the care of these school-age children in a large program or shrink the program. The committee will undertake this study very soon. Of course, the question is how far you want to extend it. Do you want to extend it to children between 2 and 5 or between 2 and 11, as they have it now. Some of the Members feel that perhaps it should be a part of the Community Chest fund operation or perhaps part of the preschool activity.

Those are some of the things I wanted to present to the Members of Congress relative to this program. How far do you want to go, bearing in mind the cost, bearing in mind the present condition of the District of Columbia budget, and bearing in mind that the war is now over, that the purposes for which the centers were established to take care of these children has been fulfilled. This involved not so much the children as permitting the mothers to work during the war effort. About 300 families with 500 children now receive this service.

The SPEAKER. The time of the gentleman from Nebraska has expired.

The question is on the resolution.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATION OF FUNERAL DIRECTORS AND EMBALMERS IN THE DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I call up the bill, H. R. 2173, to amend section 7 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended, and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 7 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended, is hereby amended by adding paragraph 44A.

"PAR. 44A. (a) On and after 90 days from the enactment of this paragraph, no person shall, in the District of Columbia, carry on the business or profession, or discharge any of the duties, of an undertaker or embalmer, unless there has been issued to him by the Comissioners of the District of Columbia or their designated agent a license therefor in full force and effect. Such license shall entitle the holder thereof to perform the duties of an undertaker or embalmer, or both. The fee for such license shall be $20 per annum, which shall be paid to the Collector of Taxes of the District of Columbia. Such license shall be issued at the time and in the manner provided in paragraph No. 5 of this section.

"(b) An applicant for a license shall submit proof satisfactory to the Commissioners or their designated agent, on such forms as the Commissioners may prescribe, that he is not less than 21 years of age, a citizen of the United States, of good moral character; that he is a graduate of a recognized high school or educational equivalent; that he is a graduate of a school or college of embalming, whose course of instruction is not less than 9 months, comprising not less than 840 hours of study, and that he has had not less than 2 years' practical experience in the business or profession. Such applicant shall be examined theoretically and practically in anatomy, embalming, embalming fluids, sanitation, disinfection, the care and preparation of dead human bodies for burial and the shipment of same, laws and regulations pertaining to communicable diseases, and such other subjects as the Commissioners or their designated agent deem appropriate and proper: *Provided, however,* That at the time of the enactment of this act every person registered as an undertaker with the Health Department of the District of Columbia and actually engaged in the business or profession of undertaker or embalmer of a fixed place or establishment equipped as a funeral home and who desires to continue in such business or profession shall be entitled to a license therefor without examination upon application therefor and upon furnishing proof satisfactory to the Commissioners or their designated agent that he was so registered and so engaged in such business; that he is not less than 21 years of age; a citizen of the United States, of good moral character, and that he is a graduate of a school or college of embalming whose course of instruction is not less than 9 months of study, comprising not less than 840 hours of study, or that he has had actual experience equivalent thereto; and upon payment of a license fee hereinbefore provided.

"An examination of applicants for a license shall be held not less frequently than once each year at such time and place as the Commissioners or their designated agent shall determine; notice of such examination shall be given at least 30 days prior to the date set therefor.

"(c) The Commissioners are hereby authorized:

"(1) To refuse to issue or renew or to suspend or revoke a license for fraud or misrepresentation in the application therefor, or for misconduct during an examination therefor, or for any act or practice considered detrimental to the public health, welfare, and safety, including the act of removing a dead human body without the prior consent of a person who, under the law, is authorized to give such consent, or for violation of the laws and regulations of the District of Columbia relating to the removal or burial or disposal of dead human bodies or the provisions of this paragraph or of the rules and regulations hereinafter authorized to be promulgated, or for conviction of a felony as shown by a certified copy of the record of the court of conviction, or for such other cause as the Commissioners may consider advisable.

"(2) To appoint a committee of seven persons of good moral character, six of whom shall have been actually and continuously engaged in the business or profession of undertaker or embalmer in the District of Columbia for at least 5 years next preceding their appointment and the health officer of the District of Columbia, or a member of the personnel of the health department designated by said health officer, who shall serve ex officio as a member of said committee, to conduct the examination of applicants for a license hereinbefore provided; the appointment of each such person shall be for a period of 1 year unless sooner terminated by the Commissioners for cause; such appointees shall serve without compensation for their services as such.

"(3) To issue licenses without examination to persons licensed by other Territories and States under such terms and conditions as they may deem appropriate.

"(4) To prescribe the terms, conditions, and license fee, not to exceed $10 per annum, under which apprenticeship shall be served.

"(5) To employ, and provide for necessary travel, in accordance with the Classification Act of 1923, as amended, such additional employees as may be necessary and to make such expenditures as may be necessary for the proper enforcement of the provisions of this paragraph and the rules and regulations promulgated by authority thereof. There is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, funds to carry out the provisions of this act.

"(6) To promulgate and enforce, and from time to time to alter, such rules and regulations, not inconsistent with the provisions of this paragraph, as they deem necessary, for the proper execution and enforcement of the provisions of this paragraph.

"(d) The provisions of paragraph No. 1 of this section relative to the assignment or transfer of a license and the provisions of paragraph No. 7 of this section relative to the definition of the word 'person' shall not apply to licenses issued under the provisions of this paragraph. The word 'person' as used in this paragraph shall be construed to mean a natural person only, and licenses issued under the provisions of this paragraph shall not be assignable or transferable."

With the following committee amendments:

Page 2, line 2, strike out the words "carry on the business or profession, or."

Page 3, line 9, strike out the words "the business or profession of" and insert in lieu thereof "discharging the duties of an."

Page 3, line 10, insert after the word "home" the words "in the District of Columbia."

Page 3, line 11, strike out the words "in such business or profession" and insert in lieu thereof "to discharge such duties."

Page 3, line 15, strike out the words "engaged in such business" and insert in lieu thereof "discharging such duties."

Page 4, line 20, strike the word "seven" and insert "five."

Page 4, line 21, after the comma, insert the words "not more than."

Page 4, line 21, strike the word "six" and insert in lieu thereof the word "two."

Page 4, line 22, strike out the words "the business or profession of" and insert in lieu thereof "discharging the duties of an."

The committee amendments were agreed to.

Mr. DIRKSEN. Mr. Speaker, the gentleman from Nebraska [Mr. MILLER], chairman of the committee handling this bill, will want to be heard in explanation of it.

Mr. MILLER of Nebraska. Briefly, Mr. Speaker, this bill provides for certain regulations and qualifications of undertakers. Under the present law in the District of Columbia, all anyone who engages in the business or profession of undertaking or embalming has to do is register his name with the Health Department, but without any proof that he is qualified to conduct such business or profession to get a permit. The bill sets up minimum standards for the licensing of those engaged in undertaking and embalming, and creates a committee of five persons to be selected by the Commissioners, two of whom shall be reputable undertakers or embalmers, and the Health Officer of the District of Columbia, or a member of the personnel designated by him, shall be a member of said committee.

I might say to the Members of the House that 48 States now have some regulations for the qualifications of those individuals who want to become undertakers and embalm bodies and conduct funerals. The District of Columbia has no regulations. We held extensive hearings before the Senate held hearings, and we also had some joint hearings. There was one objection from one undertaker in the city, and I think that the amendments that have been presented will remove that objection. He has indicated no objections to me since the bill was reported. It came out of the full Committee on the District of Columbia by unanimous vote. It seems to me that the District of Columbia ought to establish as soon as possible some qualifications for individuals who want to engage in this important business. It has the support of all the other undertakers, with one exception.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Nebraska. I yield to the gentleman from Arkansas.

Mr. HARRIS. As I understand, this legislation would require a license fee of $20 a year to be paid to the Collector of Taxes of the District of Columbia by those who handle bodies and work for the undertakers and embalmers of the District of Columbia.

Mr. MILLER of Nebraska. On page 5, line 13, there is a $10 fee for apprentices. the $20 is for the undertaker who is established in business. I think the gentleman is right.

Mr. HARRIS. Is it the gentleman's interpretation of this language that the $20 applies to the owner of the undertaking establishment and not to the employees and apprentices in that business?

Mr. MILLER of Nebraska. I think it applies to the owner, the individual actually engaged in the practice of undertaking. As to the apprentice, the man who is learning the business, $10 applies to him.

Mr. HARRIS. An apprentice, working for an embalming establishment, in my opinion, is a man who is just working there as a hired hand, doing odd jobs, and he is the man you are going to require a $10 license from?

Mr. MILLER of Nebraska. I do not so interpret it.

Mr. HARRIS. I mean, the man who actually assists the undertaker.

Mr. MILLER of Nebraska. I think the chauffeur or hearse driver is not an apprentice, certainly not under the provisions of this bill.

Mr. HARRIS. Information has come to me that there are some 82 undertaking establishments operating in the District of Columbia and that there are some 410 employees in this business in the District of Columbia; that is, employees working for them, and some 300 of them would be qualified and required to pay $20 a year to continue to work. We have had a lot of talk in the last few years, I would say, on the gentleman's side of the House, as to how much money a person should be required to pay into a union in order to work. Now, here is what you are doing in the District of Columbia to people who are employed in the business of embalming. They are going to be required to pay $20 a year?

Mr. MILLER of Nebraska. Let me call the gentleman's attention to the language on page 2, line 3, "The duties of an undertaker or embalmer." I think that very definitely circumscribes who will pay the ten or twenty dollars. I would say to the gentleman that the other 48 States require the payment of some fees or dues for licensing operations in the profession of embalming.

Mr. HARRIS. What are the fees paid in the other States.

Mr. MILLER of Nebraska. They are all the way from $5 to $50, the testimony shows. The average is around $20 or $25.

Mr. HARRIS. That is for people who work for the embalming establishment?

Mr. MILLER of Nebraska. No; the undertaker or embalmer. The embalmer is the man who works with the bodies. The undertaker may be the man who supervises the funeral, a funeral director, or he may embalm bodies and conduct funerals.

The SPEAKER. The time of the gentleman from Nebraska has expired.

Mr. HARRIS. Mr. Speaker, I move to strike out the last word.

As I understand it, the owner of the embalming business is required to pay a fee in some of the States.

Mr. MILLER of Nebraska. He is generally an embalmer. In Washington they are all embalmers.

Mr. HARRIS. That is it. The man who makes $1,500 or $2,000 has to pay the same fee in Washington as the man who owns the establishment and probably makes thousands of dollars in connection with his business.

Mr. MILLER of Nebraska. The undertaker and the embalmer in Washington, D. C., are practically the same individual. I do not think you will find much difference. You do have your apprentice individuals, who pay a smaller fee for learning the business.

The merit of the bill, as I see it, is that it sets up some qualifications for the individual who is going to enter into the important job of undertaking We had testimony before our committee that the best individual one undertaker had in Washington, D. C., was a bus boy in a hamburger shop. He took him out of there, with no training and no experience whatsoever, and now he is an undertaker. We had further information before our committee that when individuals die in the District that often, within a couple of hours, four or five undertakers or embalmers are out there trying to snatch the body.

Mr. HARRIS. This bill does not correct that situation?

Mr. MILLER of Nebraska. Yes; indeed, it does.

Mr. HARRIS. On page 3 I notice this language:

At the time of the enactment of this act every person registered as an undertaker with the Health Department of the District of Columbia and actually engaged in discharging the duties of an undertaker or embalmer at a fixed place or establishment equipped as a funeral home in the District of Columbia and who desires to continue to discharge such duties shall be entitled to a license—

And so forth.

Mr. MILLER of Nebraska. Sure; but it will stop him doing that work in the future. Pass this bill, and in the future he will not be in the body-snatching business. He will be under the regulation of this Board, and the regulations will make that an improper act.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. HARRIS. I yield to the gentleman from Michigan.

Mr. DONDERO. What is the purpose of the fee? Is it to bring enough money into the treasury of the District of Columbia to administer the law? I assume that is it.

Mr. HARRIS. It is not clear to me. I assume the gentleman from Nebraska can tell the gentleman from Michigan its purpose.

Mr. MILLER of Nebraska. The individuals appointed on this Board will not be salaried persons. We change this to make it five individuals, only two of whom shall be undertakers. They receive no salary so there is no cost other

than expenses. This should be sufficient to carry it.

Mr. DONDERO. That is the purpose of the question, to find out whether it is simply to get money enough to carry the law.

Mr. MILLER of Nebraska. The Commissioners seem to think it would be sufficient to carry it; yes.

Mr. HARRIS. In the bill they submitted they set the fee at $20, I believe.

Mr. MILLER of Nebraska. Yes.

Mr. HARRIS. Would it not take something like $12,000 or $15,000 a year to administer this act?

Mr. MILLER of Nebraska. No, I think not, because no one receives any salary under this act. The Board is not a salaried Board.

Mr. HARRIS. Why charge them any license fees if it does not cost them anything?

Mr. MILLER of Nebraska. There are some examinations and some expenses. I question whether the expenses will be over $2,000 a year in the matter of issuing licenses and giving examinations.

Mr. HARRIS. Does this provide reciprocity with other States?

Mr. MILLER of Nebraska. It sets up reciprocity provisions, which we do not have at the present time.

Mr. HARRIS. You do not have any regulations at present?

Mr. MILLER of Nebraska. That is right; there is no reciprocity now because there are no regulations.

Mr. HARRIS. But if this bill were to pass, you would have a reciprocity provision in it?

Mr. MILLER of Nebraska. It would be possible to set up reciprocity with other States. It is thought the standards are high enough here to meet their requirements.

Mr. HARRIS. Anyone coming from another State would be required to stand an examination given by a board established under this act before he would be permitted to practice embalming in the District of Columbia?

Mr. MILLER of Nebraska. If he met the qualifications set up in this bill he could either take the examination or get a license by reciprocity. That is true of any other profession, I might say.

Mr. HARRIS. The qualification, of course, is that he must be 21 years of age, a resident of the District and have as much as 2 years of training in some college. Is that correct?

Mr. MILLER of Nebraska. He must be a graduate of a recognized high school or have its educational equivalent. That is, he must be a graduate of a school or college and enrolled in an embalming course with instruction of not less than 9 months comprising no less than 840 hours of study, and that he has had not less than 2 years' practical experience in the business or profession. He must be of good moral character and qualify for reciprocity or take an examination as is now done in other States.

Mr. HARRIS. It seems to me the objection could be made to this legislation that it sets up a provision in the District of Columbia whereby those who are here now may continue in their business by payment of annual dues and restricting anyone else to the discretion of the Commission.

Mr. MILLER of Nebraska. Yes. A grandfather clause protects those now in the business.

Mr. HARRIS. But if someone else happens to come in and wants to practice embalming he has to go through all of these requirements as set out in the bill before he will be permitted to work in the District, in addition to paying $20 a year.

Mr. MILLER of Nebraska. I think it is necessary that he have a knowledge of anatomy, embalming, embalming fluids, sanitation, disinfectants, and so forth. That is what the bill requires as a minimum requirement.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEW SCHOOL BUILDING AT MOCLIPS, GRAYS HARBOR COUNTY, WASH.

Mr. WELCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 2545) to provide funds for cooperation with the school board of the Moclips-Aloha District for the construction and equipment of a new school building in the town of Moclips, Grays Harbor County, Wash., to be available to both Indian and non-Indian children, with Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 5, after "for" insert "expenditure under the direction of the Secretary of the Interior for."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MINING CLAIMS IN ALASKA

Mr. WELCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2369) providing for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska, with Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. WELCH, CRAWFORD, and SOMERS.

DISTRICT OF COLUMBIA BUSINESS—FIRE DEPARTMENT, DISTRICT OF COLUMBIA

Mr. DIRKSEN. Mr. Speaker, I call up the bill (H. R. 3433) to amend the act entitled "An act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the act entitled "An act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes," approved June 20, 1906, as amended (D. C. Code, 1940 ed., sec. 4–404), is amended to read as follows:

"SEC. 3. That the Fire Department of the District of Columbia shall be composed of and operated upon a two-platoon system and the personnel thereof shall consist of one chief engineer; such number of deputy chief engineers (all of whom shall have had at least 5 years' experience in some regularly organized municipal fire department) and battalion chief engineers as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Commissioners may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said Commissioners may deem necessary from time to time within the appropriations made by Congress; one superintendent of machinery; and such number of assistant superintendents of machinery; pilots, marine engineers, assistant marine engineers, marine firemen, privates of class 6, privates of class 5, privates of class 4, privates of class 3, privates of class 2, privates of class 1, hostlers, and laborers as said Commissioners may deem necessary from time to time within the appropriations made by Congress: *Provided*, That the chief engineer of the Fire Department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by said District who at the time shall not be engaged in a more emergent veterinary service for said District: *Provided further*, That the police surgeons of said District are required to attend, without charge, the members of the Fire Department of said District, and examine all applicants for appointment to, promotion in, and retirement from, said Fire Department."

SEC. 2 (a) The Commissioners of the District of Columbia are authorized and directed to (1) establish a workweek of not more than 70 hours for officers and members of the Fire Department of the District of Columbia on night-platoon duty and of not more than 50 hours for such officers and members on day-platoon duty, and (2) require that the hours of work in each such workweek be performed within a period of five of any seven consecutive days. The 2 days off duty in each 7-day period to which each officer and member of the Fire Department is entitled under this subsection shall be in addition to his annual leave and sick leave allowed by law.

(b) Notwithstanding the provisions of subsection (a), whenever the Commissioners declare that an emergency exists of such a character as to necessitate the continuous service of all officers and members of the Fire Department, it shall be the duty of the chief engineer of the Fire Department to suspend and discontinue the granting of such 2 days off in 7 during the continuation of such emergency.

SEC. 3. This act shall take effect on July 1, 1948.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA EMERGENCY RENT ACT

Mr. DIRKSEN. Mr. Speaker, I call up the bill (H. R. 3131) to extend for

the period of 1 year the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 (b) of the act entitled "An act to regulate rents in the District of Columbia, and for other purposes," approved December 2, 1941, as amended (D. C. Code, 1940 ed., sec. 45–1601), is hereby amended by striking out "1947" and inserting in lieu thereof "1948."

With the following committee amendment:

At the end of page 1, line 7, after the word "thereof", insert "March 31, 1948."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT

Mr. DIRKSEN. Mr. Speaker, I call up the bill (H. R. 3864) to amend the District of Columbia Unemployment Compensation Act with respect to contribution rates after termination of military service and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (c) (4) of the District of Columbia Unemployment Compensation Act, as amended, is amended by adding at the end thereof the following:

"(iv) Contribution rates after termination of military service: When the Board finds that the continuity of an employer's employment experience has been interrupted solely by reason of one or more of the owners, officers, managers, partners, or majority stockholders of such employer's employing enterprise having served in the armed forces of the United States of America or any of its allies during a time of war, such employer's employment experience shall be deemed to have been continuous throughout the period that such individual or individuals so served in such armed forces, including the period up to the time it again resumes the status of an employer liable for contributions under this act, provided it resumes such status within 2 years from the date of discharge of such individual or individuals or from the date of the termination of such war, whichever date is the earlier. For the purposes of this paragraph (iv), in determining an employer's contribution rate his average annual pay roll shall be the average of his last three annual pay rolls."

SEC. 2. Section 3 (a) (9) (b) of the District of Columbia Unemployment Compensation Act is hereby amended to read as follows:

"(b) The term 'average annual pay roll', except for the purposes of paragraph (4) (iv) of this subsection, means the average of the annual pay rolls of any employer for the three consecutive 12-month periods ending 90 days prior to the computation date;".

SEC. 3. The amendments made by this act shall be effective with respect to employment on or after July 1, 1943. The amount of any contributions or interest thereon paid to the Board by any employer in excess of the amount such employer would have been required to pay if the amendments made by this act had been in effect on and after July 1, 1943, shall, for the purposes of section 4 (i) of the District of Columbia Unemployment Compensation Act, be considered to have been erroneously collected. Notwithstanding the period of limitation prescribed in such section 4 (i), the employing unit which paid such excess amount of contributions or interest thereon may make application under such section 4 (i) within 1 year after the date of the enactment of this act for an adjustment or a refund thereof.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAILROAD SIDING, FRANKLIN STREET NE.

Mr. DIRKSEN. Mr. Speaker, I call up the bill (H. R. 3744) to authorize the construction of a railroad siding in the vicinity of Franklin Street NE., District of Columbia, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

The Clerk read the bill, as follows:

Be it enacted, etc., That, subject to sections 2 and 3, the Baltimore & Ohio Railroad Co. is hereby authorized to construct in the District of Columbia a single siding which shall start at a point on such company's Metropolitan branch track approximately 367 feet north of the center line of Franklin Street, NE. and shall run from such point in a southerly direction (a) across the southeast corner of parcel 132/71, (b) under the viaduct in Franklin Street, (c) into parcel 132/85, and (d) along the east line of parcel 132/85.

SEC. 2. The siding authorized to be constructed by the first section shall pass under the viaduct in Franklin Street in accordance with plans approved in advance of such construction by the Commissioners of the District of Columbia.

SEC. 3. Congress reserves the right to alter, amend, or repeal this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

Mr. DIRKSEN. Mr. Speaker, that concludes the business on the District of Columbia Calendar.

EXTENSION OF REMARKS

Mr. DEVITT asked and was given permission to extend his remarks in the Appendix of the RECORD and include a letter from a constituent.

Mr. FLETCHER asked and was given permission to extend his remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SNYDER (at the request of Mr. ARENDS), indefinitely, on account of death in the family.

To Mr. MORGAN (at the request of Mr. MCCORMACK), for 1 week, on account of death in the family.

To Mr. EDWIN ARTHUR HALL, from June 23 to June 28, inclusive, on account of official business.

COMMITTEE ON ARMED SERVICES

Mr. ANDREWS of New York. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. SHORT] may have until midnight tonight to file a committee report from the Committee on Armed Services on the so-called officers' and personnel bill, H. R. 3820.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMANENT RATE OF POSTAGE ON FIRST-CLASS MAIL MATTER

Mr. REES. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 221, to provide for permanent rates of postage on mail matter of the first class, and for other purposes.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There being no objection, the Clerk read the resolution, as follows:

Resolved, etc., That the rate of postage on all mail matter of the first class (except postal cards and private mailing or post cards) shall be 3 cents for each ounce or fraction thereof: *Provided*, That drop letters shall be charged at the rate of 1 cent for each ounce or fraction thereof when mailed for local delivery at post offices where free delivery by carrier is not established and when they are not collected or delivered by rural or star-route carriers. The rate of postage on postal cards (including the cost of manufacture) and private mailing or post cards (conforming to the conditions prescribed by the act entitled "An act to amend the postal laws relating to use of postal cards," approved May 19, 1898 (U. S. C., 1940 ed., title 39, sec. 281), shall be 1 cent each.

SEC. 2. The increases in the rates of postage on mail matter of the fourth class, and the increases in the registry fees for registered mail, fees for obtaining receipts for registered mail, and fees for delivery of registered, insured, and collect-on-delivery mail to addressee only, or to addressee or order, prescribed by title IV of the Revenue Act of 1943 (58 Stat. 69, 70), as amended by the act of September 17, 1944 (58 Stat. 732), entitled "An act to fix the fees for domestic insured and collect-on-delivery mail, special-delivery service, and for other purposes," and by the act of August 14, 1946 (Public Law 730, 79th Cong., 2d sess.), entitled "An act to fix the rate of postage on domestic air mail, and for other purposes," shall continue in full force and effect.

SEC. 3. This act shall take effect on July 1, 1947.

Mr. REES. Mr. Speaker, the purpose of this legislation is (a) to make permanent the present 3-cent rate for local and nonlocal first-class mail, which rate expires June 30, 1947, and (b) to retain in full force and effect all other postage rates which are now in effect, but which would also expire on the same date. Unless renewed by legislation, the letter rate will revert to 2 cents on July 1, 1947, thereby reducing the Department's revenue by about $189,000,000.

The resolution further provides for the extension of certain existing increases in fourth-class mail and registered mail. These items amount to $16,260,000. Considering the critical financial situation of the Post Office Department and the fact that the present cost of handling first-class local and nonlocal mail exceeds 2 cents, and considering further that the first-class nonlocal 3-cent rate has been in existence since 1932 and the 3-cent local rate since 1933, the committe recommends a permanent change to be made in the first-class rate. It also recommends the extension of the existing increases in fourth-class and registered mail above mentioned, amounting to $16,260,000, making a total of $205,000,000 that the Department would lose if these rates are permitted to lapse.

It is imperative, therefore, that this resolution be adopted promptly so that there may be no question about these rates remaining in effect after July 1, 1947.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the distinguished gentleman from Virginia, a member of the House Committee on Rules.

Mr. SMITH of Virginia. Your committee has reported a bill which is rather comprehensive in its terms and for which I compliment the committee. It undertakes to save for the Government some of the half billion dollars in subsidies that are now being paid out, resulting in a loss to the Post Office Department. I am wondering whether the gentleman is going to be successful in getting that bill before the House as a part of the economy program of his party, so that we can save the Government this half billion dollars this year.

Mr. REES. Our committee did spend a great deal of time and energy in consideration of this legislation. I want to pay tribute to the members of our committee on both sides of the aisle who worked diligently, and spent their time and effort in bringing to this House what I believe to be a reasonable and sensible bill dealing with this problem.

That bill is pending before the Committee on Rules, of which the distinguished gentleman from Virginia is a member. I appreciate very much his interest in and his support of this legislation. In the meantime there are only a few days remaining. So it becomes necessary for our committee to recommend for passage this resolution that is before us today. However, it is not the intention of the chairman of the committee to withdraw the bill pending before the Rules Committee. I expect to appear before the gentleman's committee within the next day or two asking for a rule to bring that legislation before the House.

Mr. SMITH of Virginia. Will the gentleman yield further?

Mr. REES. I shall be glad to yield.

Mr. SMITH of Virginia. I wonder if the gentleman knows why we cannot get a hearing before the Rules Committee on that bill.

Mr. REES. I do not know. It has not been refused but the time is getting very short.

Mr. SMITH of Virginia. I understand this bill relates to the catalogs of mail-order houses. Why in the world anybody should want the Government to subsidize those mail-order houses and send this advertising matter through the mails free is not understandable to me. I wonder why the gentleman is not able to get a hearing before the Rules Committee.

Mr. REES. I am in accord with the gentleman's viewpoint. The President in his budget address of January 10, of course, said he was going to ask the Post Office Department to submit legislation that would raise $300,000,000 to wipe out the deficit in the postal service. The Post Office Department finally came up with recommendations of schedules of increases that would raise approximately $176,000,000 and the House committee, after spending more than 2 months taking testimony, finally submitted a bill to raise about $110,000,000.

I believe the gentleman well knows that there are some Members who are reluctant to go along with us. We hope, however, that we may be able to get a rule, and I trust we may be able to get a bill before the House. Then let the membership of the House decide the question.

At this particular time, however, we are faced with the necessity of extending the 3-cent rate promptly; otherwise we lose revenue amounting to approximately $205,000,000.

Mr. RIZLEY. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the distinguished gentleman from Oklahoma, a member of the Rules Committee.

Mr. RIZLEY. Can the gentleman tell us what the deficiency was during the current fiscal year in the operations of the Post Office Department under the present administration?

Mr. REES. During the year 1946?

Mr. RIZLEY. Yes.

Mr. REES. In 1946, of course, it did not amount to as much as $300,000,000. To be fair about it, the principal reason for this deficit is because this Congress—rightly so—saw fit to raise the salaries of workers in the postal service. That is the reason for the large deficit.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. REES. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. RIZLEY. In order to make up that deficiency as soon as possible the administration made some recommendations that the present postal rates be increased. Is that correct?

Mr. REES. The Post Office Department recommended an increase in second-, third-, and fourth-class mail rates. The recommendations made in the matter of the second-class rates would have raised something like $33,000,000. The committee came back with a raise of about $9,000,000. The same is true with reference to third-class rates. The Post Office recommended $32,500,000 for third-class matter. We did not raise it quite as much as they recommended. For fourth-class mail the Post Office recommended increased rates to raise an additional $50,000,000. The committee bill would raise a little less, I am informed. As a matter of fact, fourth-class mail, under the law, is supposed to pay its way.

Mr. RIZLEY. Notwithstanding the fact that this deficiency has been coming about the Department took no steps to increase the rates; but, then, I believe they cannot.

Mr. REES. The Post Office Department cannot increase the second and third class rates.

Mr. RIZLEY. When previously had they recommended that any increase be made?

Mr. REES. In March of this year.

Mr. RIZLEY. But over the years when we had a Democratic Congress was there any recommendation made to increase the rates or do away with the subsidies?

Mr. REES. I was not a member of the Post Office Committee at that time. The gentleman from Illinois [Mr. MASON] was a member of the committee and took a deep interest in these problems. I will yield to him.

Mr. MASON. The Post Office Department did recommend a year ago, and a year and a half ago, that the rates be raised. The House has already passed a raise in rates but it has always been stymied in the Senate.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to my distinguished colleague from Pennsylvania.

Mr. RICH. The 3-cent letter-mail rate which this bill seeks to continue was inaugurated way back in 1934, when there was raised $100,000,000 to clear up a deficit the Post Office Department had incurred.

I told the membership at the time—and you will find it in the RECORD—that if you kept up your spending the 3-cent rate would never be reduced. We were assured loudly and lustily by the Democratic administration that it was only temporary, that their sole purpose was to use it to balance the postal budget. It has continued through the years, long after the $100,000,000 was cleared up, and in the last few years it has been used to take care of the spending of the Democratic administration. The Democrats are still short $150,000,000 in the Post Office Department. It seems to me if there was ever anything unbusinesslike, it was the statements as to the purpose for which this increased postage rate was to be used. It was just a camouflage for the American people.

Mr. REES. I appreciate the gentleman's observation. Even so, there has been an increase in the cost in the Post Office Department, due to increased salaries and wages.

Mr. RICH. Yes; but the same administration passed all these laws to spend money.

Mr. REES. We increased the salaries of all those people.

Mr. RICH. The gentleman is not trying to defend the laws that were passed to spend this money, is he?

Mr. REES. Of course, I am not defending any unnecessary spending. Of course, this administration has spent a tremendous amount of money that should have been saved.

Mr. MURRAY of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. REES. I yield to the gentleman from Tennessee, ranking minority member of my committee, who has given a great amount of study to this problem.

Mr. MURRAY of Tennessee. Is it not true that except for the increase in the salaries of postal employees in 1945 and 1946, there would not be any deficit today? The deficit for the current fiscal year is about $300,000,000.

Mr. REES. Yes; I think the gentleman has stated the situation correctly.

Mr. MURRAY of Tennessee. The increase in salaries, which was voted by Members on both sides of this House, almost unanimously, amounts to $351,000,000.

Mr. REES. The statements of the gentleman is correct.

Mr. Speaker, I would like to clarify the situation a little further for the RECORD. The President, in his budget message, called attention to a deficit for this year, in second-, third-, and fourth-class mail matter, and stated he was requesting the Post Office Department to submit rates to wipe out the deficit. The Department came up with recommendations for increases they say would raise approximately $176,000,000 of that amount.

Our committee, after 2 months of hearings and study of the problem, submitted H. R. 3519 that includes the proposal we have here today, and would, in addition thereto, increase revenues approximately $110,000,000. In other words, the bill would raise a little more than one-third of the anticipated deficit.

There has been so much misunderstanding with regard to the postal increase bill that I do not want to endanger the emergency provisions contained in this resolution.

The postal bill has not only been misunderstood, but the recommendations of our committee have been subjected to misinterpretations of various kinds. The principal question involved is whether those who use the mail, the big volume for business purposes, should pay a share of the increased cost of the postal service they use, or whether the entire deficit shall be charged to the Federal Treasury.

I believe, when given an opportunity to have this legislation presented, the Members of this House will agree the provisions are fair and reasonable, and that the recommendations of our committee should be approved.

It has been suggested, among other things, that we wait until an investigation of the Post Office Department has been concluded. Certainly there will be a survey and investigation to determine where economies may be made and waste eliminated. We want to know, also, whether there are places where the Department may be made more efficient. We expect to press that matter as promptly and vigorously as can be done. To that, let me say it will take several months. By that time the deficit will have mounted to several hundred million dollars that will be charged to the Federal Treasury.

The bill has been criticized because of increase in rate on fourth-class matter (books, catalogs, and parcel post). I call your attention to the fact that under the present law this class of mail is expected to pay its own way. I have today, addressed a letter to the acting Postmaster General, directing his attention to this matter.

I think it is fair to call attention to the fact too that rates in postal service on some classes of mail have not been changed since 1879, and other classes since 1932. I believe it is the duty of Congress to at least look them over. Certainly no member of our committee, and no one in this House want to provide rates that will penalize or injure anyone using the postal service.

Mr. SMITH of Virginia. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I do not want to enter into any political controversy about this thing or raise any political question. I just want to talk a little sound financial business about it. We have had this bill reported from the Committee on Post Offices and Civil Service for a month or more with an application for a rule from the Rules Committee so that the House might have the question before it and determine the matter. It is inconceivable to me, if we have any idea at all about common sense, that we should sit here and refuse the House the opportunity to decide the question whether we are going to continue to subsidize mail-order-house catalogs, commercial advertisements, and other similar mail at the present huge expense to the taxpayers. That just does not make sense to me.

I was in hopes, and I am sure the gentleman from Pennsylvania who is seeking to interrupt me has been in hopes, that we were going to get some economy in this Congress, that we were going to save some of this money that has been needlessly expended. I cannot think of any more useless and unjustifiable expenditure on the part of the Government than to subsidize mail-order-house catalogs and other advertising matter.

Let us get down to business here and see if we cannot save some of this money. I do not want to talk politics about this but I cannot help it because you gentlemen on the left have been maintaining that you are going to give us economy in Government, you are going to give us a business administration. There is just not any business in spending two or three hundred million dollars a year to subsidize a lot of mail-order catalogs, magazines, and commercial advertising.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman is absolutely correct.

In my opinion, the Congress ought to recognize that fact and it ought to bring a bill in here doing that very thing. But let me say and repeat what I was saying awhile ago, if you raise this $300,000,000 in postal rates then you will pass a lot of laws because the Post Office Department says every time you do that that they want the money from the Congress because you will raise a lot of wages, and I am against that. I think we ought to stop here some time.

Mr. SMITH of Virginia. The gentleman's party is in power, the gentleman is for economy and you do not have to pass any more laws. I hope that the gentleman from Pennsylvania will cooperate with me in the Rules Committee to at least obtain a hearing for these gentlemen on the Post Office Committee who have worked so hard on the bill, so that it may be submitted to the House. If we are wrong, that is another thing. The House does not have to pass it. But why cannot the House consider a bill that its own committee has worked so hard on, and is calculated to save $165,000,000?

Mr. RICH. You can count on my help. I shall be with you.

Mr. SMITH of Virginia. I know the gentleman will.

Mr. MURRAY of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Tennessee.

Mr. MURRAY of Tennessee. I am in agreement with the gentleman from Virginia in his views. The Post Office and Civil Service Committee conducted hearings for over a month on this legislation. We worked faithfully on this bill and we have prepared a good bill. It is nonpartisan, it is nonpolitical, and will give us about $110,000,000 in additional postal revenues. But since the bill was reported, we find certain influences which are preventing a rule being granted on the bill. We find the book lobby, the magazine and other interests fighting to keep us from getting a rule. I sincerely hope that the gentleman from Virginia, with the help of the gentleman from Pennsylvania, will assist us in getting a rule.

I will say to the gentleman from Virginia that our distinguished chairman, the gentleman from Kansas [Mr. REES], the author of this bill, has been most active in sponsoring this legislation.

Mr. REES. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Kansas.

Mr. REES. The thing resolves itself into whether or not you are going to let these people who use the mail for commercial purposes pay at least a part of their own way or whether you are going to charge it to the taxpayers of this country?

Mr. SMITH of Virginia. I am in favor of them paying their own way.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. CHURCH. When the special committee investigators find out a number of facts with reference to the business management of the Postal Department, it will be able to make some recommendations that will save a lot of money as an economic matter. I have great faith in what the committee can bring forth.

Mr. SMITH of Virginia. But it will not save this money that you are giving

to the mail order houses and the other advertisers through the deficit they are creating. They are not paying as much in postal rates as it costs the Government to send the stuff through the mails, and there is no excuse for that sort of business.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MURRAY of Tennessee. Mr. Speaker, I move to strike out the last three words.

Mr. Speaker, I am heartily in favor of the enactment of the resolution sponsored by the gentleman from Kansas, [Mr. REES], the chairman of our committee. This resolution has the unanimous approval of our committee. It is absolutely essential legislation at this time. If this resolution is not adopted prior to July 1, the Post Office Department will suffer a loss of revenue of around $200,000,000 per year. I hope that after the resolution is adopted that then the Committee on Rules will give us a rule on the omnibus bill providing an increase in various postal rates.

Mr. BREHM. Mr. Speaker, I move to strike out the last four words.

Mr. Speaker, I am not in favor of subsidizing mail-order house catalogs or large magazine units, but I do think it should be pointed out here that the omnibus bill which has been discussed, also covers schoolbooks and certain library books, and that if this omnibus bill does come forward I trust that it will eliminate those essential library and schoolbooks and services which are included in the omnibus bill and deal separately with your large mail-order catalog houses and your other magazine publishers. These concerns which operate for profit should certainly be dealt with on a different basis than those schools and institutions which are being operated as nonprofit organizations, in an attempt to render only service.

Mr. ALMOND. Mr. Speaker, I move to strike out the last five words.

Mr. Speaker, as the distinguished chairman of the Committee on the Post Office and Civil Service has pointed out, the joint resolution now before the House is absolutely necessary in order to keep in full force and effect the rates on first-class mail, otherwise they will expire on June 30th of this year and revert to the old rate. If that should happen, the deficit of the Post Office Department will greatly increase.

I want to say in response to some of the remarks made by my colleague, the gentleman from Virginia, that the Committee on the Post Office and Civil Service under the able leadership of the distinguished gentleman from Kansas [Mr. REES] has for many weeks conducted exhaustive, full, and painstaking hearings on the subject of the deficit in the Post Office Department. We find that the estimated deficit will approximate $287,000,000 at the end of this fiscal year. To my amazement, as a new Member of that committee, it has been called to my attention that for the last 100 years in the history of the Post Office Department, both under Republican and Democratic Administrations, in only 17 years out of those 100 has that department failed to show a deficit. In other words, it has shown a deficit for 83 years out of the last 100 years.

I should like to see the bill which is pending before the Committee on Rules reported out for action by the House, because there are some industries, some businesses, which are being subsidized by the Federal Government. I think the Congress should do something about it. As the chairman has pointed out, the Post Office recommended certain increases in rates in all classes of the postal service. If we could have seen our way clear to adopt the proposals of the Post Office Department, they would have raised approximately $176,000,000 to offset in part the $287,000,000 deficit. The bill we have worked on studiously and earnestly would increase the rates by about $110,000,000.

Mr. SPRINGER. Mr. Speaker, will the gentleman yield?

Mr. ALMOND. I yield to the gentleman from Indiana.

Mr. SPRINGER. As I understand, this measure will make permanent the present 3-cent rate on first-class mail?

Mr. ALMOND. That is the purpose and desire, as I understand it.

Mr. SPRINGER. I also understand that that is made necessary by reason of the very large deficit which has resulted throughout many years during the last 100 years?

Mr. ALMOND. The gentleman is correct.

The SPEAKER. The time of the gentleman from Virginia has expired.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 110. An act to amend the Interstate Commerce Act with respect to certain agreements between carriers; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. TABER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 37 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 24, 1947, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

825. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 16, 1946, submitting a report, together with accompanying papers, on a preliminary examination of Ipswich River, Plum Island Sound, and Fox Creek, Mass., authorized by the River and Harbor Act approved on March 2, 1945; to the Committee on Public Works.

826. A communication from the President of the United States, transmitting changes in the deficiency estimates of appropriation for the fiscal years 1944 and 1945 for the Navy Department and Naval Establishment (H. Doc. No. 341); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LECOMPTE: Committee on House Administration. House Concurrent Resolution 40. Concurrent resolution authorizing the Committee on Un-American Activities to have printed for its use additional copies of House Report 209, Eightieth Congress, first session; without amendment (Rept. No. 633). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Concurrent Resolution 39. Concurrent resolution authorizing the Committee on Un-American Activities to have printed for its use additional copies of the hearing held on February 6, 1947; with an amendment (Rept. No. 634). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Resolution 186. Resolution authorizing the Committee on Ways and Means of the House of Representatives to have printed for its use additional copies of the hearings held before said committee during the current session relative to reciprocal trade agreements; without amendment (Rept. No. 635). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Resolution 241. Resolution providing for the printing, as a House document, the "History of the Committee on the Judiciary"; without amendment (Rept. No. 636). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Concurrent Resolution 35. Concurrent resolution providing for the printing of additional copies of House Report No. 541, Seventy-ninth Congress; House Report No. 1205, Seventy-ninth Congress; and House Report No. 2729, Seventy-ninth Congress; without amendment (Rept. No. 637). Referred to the House Calendar.

Mr. BISHOP: Committee on House Administration. Senate Joint Resolution 113. Joint resolution authorizing the erection in the District of Columbia of a memorial to the Marine Corps dead of all wars; without amendment (Rept. No. 638). Referred to the Committee of the Whole House on the State of the Union.

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 252. Resolution providing for consideration of H. R. 3916, a bill to amend the Reconstruction Finance Corporation Act, as amended, and to extend the succession and certain lending powers and functions of the Reconstruction Finance Corporation, and for other purposes; without amendment (Rept. No. 639). Referred to the House Calendar.

Mr. SHORT: Committee on Armed Services. H. R. 3830. A bill to provide for the promotion and elimination of officers of the Army, Navy, and Marine Corps, and for other purposes; without amendment (Rept. No. 640). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE:

H. R. 3934. A bill to amend the Public Health Service Act with respect to venereal-

disease rapid-treatment centers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENSON:

H. R. 3935. A bill to provide for the carrying of mail on star routes, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Virginia:

H. R. 3936. A bill to authorize the United States Park Police to make arrests within Federal reservations in the environs of the District of Columbia, and for other purposes; to the Committee on Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATTLE:

H. R. 3937. A bill for the relief of William C. Reese; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H. R. 3938. A bill for the relief of Flury & Crouch, Inc.; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

664. By Mr. HARDIE SCOTT: Petition of the Ukrainian-American Women's Citizen Association, of Philadelphia, Pa., urging passage of H. R. 2910, a bill to authorize the United States during an emergency period to undertake its fair share in the resettlement of displaced persons in Germany, Austria, and Italy, including relatives of citizens of members of our armed forces, by permitting their admission into the United States in a number equivalent to a part of the total quota numbers unused during the war years; to the Committee on the Judiciary.

665. By the SPEAKER: Petition of the Board of Supervisors of the County of Los Angeles, petitioning consideration of their resolution with reference to favoring and urging passage of necessary enabling legislation providing for universal military training; to the Committee on Armed Services.

666. Also, petition of Sol Pelish and others, petitioning consideration of their resolution with reference to opposition to any legislative measures for the suppression of the Communist Party; to the Committee on Un-American Activities.

667. Also, petition of Charles H. Nutting, Daytona Beach, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

668. Also, petition of Mrs. Carrie L. McManus, Townsend Club No. 1, Sarasota, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

669. Also, petition of Miss Ellen K. DeVries, New Port Richey, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

670. Also, petition of Mrs. L. H. Anglemyer, Orlando, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

671. Also, petition of Mrs. A. C. Starke, Sanford, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

TUESDAY, JUNE 24, 1947

(Legislative day of Monday, April 21, 1947)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Our Father, when we become satisfied with ourselves, hold ever before us Thy demands for perfection.

Lest we become content with a good batting average, let us see the absolutes of honesty, of love, and of obedience to Thy will Thou dost require of us.

Seeing them, may we strive after them by Thy help.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of Monday, June 23, 1947, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 23, 1947, the President had approved and signed the act (S. 824) for the relief of Marion O. Cassady.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 2173. An act to amend section 7 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, as amended;

H. R. 3131. An act to extend for the period of 1 year the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended;

H. R. 3433. An act to amend the act entitled "An act to classify the officers and members of the Fire Department of the District of Columbia, and for other purposes," approved June 20, 1906, and for other purposes;

H. R. 3744. An act to authorize the construction of a railroad siding in the vicinity of Franklin Street NE., District of Columbia;

H. R. 3861. An act to allow to a successor railroad corporation the benefits of certain carry-overs of a predecessor corporation for the purposes of certain provisions of the Internal Revenue Code;

H. R. 3864. An act to amend the District of Columbia Unemployment Compensation Act with respect to contribution rates after termination of military service; and

H. J. Res. 221. Joint resolution to provide for permanent rates of postage on mail matter of the first class, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 35. Concurrent resolution providing for the printing of additional copies of House Report No. 541, Seventy-ninth Congress; House Report No. 1205, Seventy-ninth Congress; and House Report No. 2729, Seventy-ninth Congress;

H. Con. Res. 39. Concurrent resolution authorizing the Committee on Un-American Activities to have printed for its use additional copies of the hearing held on February 6, 1947; and

H. Con. Res. 40. Concurrent resolution authorizing the Committee on Un-American Activities to have printed for its use additional copies of House Report 209, Eightieth Congress, first session.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

S. 751. An act to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1948, and for other purposes; and

S. J. Res. 113. Joint resolution authorizing the erection in the District of Columbia of a memorial to the Marine Corps dead of all wars.

LEGISLATIVE PROGRAM

Mr. WHITE. Mr. President, if I may make a very brief statement with respect to the program for today, it is anticipated that there will be taken up, first, the joint resolution terminating certain war and emergency statutory provisions, in charge of the senior Senator from Wisconsin [Mr. WILEY]. That is to be followed by the naval appropriation bill. There is a desire that the Senate then consider one or two treaties which have been reported and are on the calendar. There were some other matters suggested, but they are controversial, and I feel that if these two legislative matters and the one executive matter to which I have referred are disposed of it will be sufficient for the day.

MEETING OF COMMITTEE DURING SENATE SESSION

Mr. BUCK. Mr. President, I ask unanimous consent that the Committee on the District of Columbia may meet this afternoon at 2 o'clock.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PERMISSION TO HOLD HEARINGS

Mr. REED. Mr. President, the last of the great appropriation bills has been passed by the House. I refer to the independent offices appropriation bill. I am chairman of a Subcommittee on Appropriations which is in charge of that bill. We started hearings this morning. It will be necessary to work during all the available time this week in order to get out the bill, and I doubt if it can be done by June 30.

Therefore, I ask permission of the Senate that the Appropriations Subcommittee having charge of the independent offices appropriation bill may meet every afternoon this week, if necessary.